to sleep. I can either take care of that in the bathroom, or I can do it here. If I do it here, then you can help me along, or not. I'd especially appreciate it if you could talk dirty while I jerk off, but it's your decision."

Talk about low pressure! Yeah, I learned a lot from that guy.

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2) **Scripts and Lists.** I had one brief relationship last year with a gentleman who is really, really awesome -- but we have very different approaches to S&M. We had a hard time communicating about it... honestly, if he hadn't been such an awesome guy, I would probably have given up on the relationship after a couple nights together. We were great at having extensive theoretical conversations about sexuality, but when it came down to actually having sex with each other, things got puzzling. We had difficulty predicting, understanding, and initiating with each other.

I'm not sure what made it so hard. I think, mostly, we just brought really different assumptions to the table. I tend to take an "improvisational" approach to my encounters, whereas he tends to take a "scripted" approach. He's into doing stuff like rearranging the furniture, taking on specific roles (e.g. teacher and student), using costumes and props, and knowing exactly what will be said beforehand.

Me, I like going free-form. I talk to my partner about hard limits (things we absolutely don't want to do); I talk to him about things we really like; and we set a safeword. I'm usually okay with diving in from there. If he wants a more structured conversation, I'm glad to have one (and sometimes, especially when I'm dominant, I'll ask for more conversation myself). But generally, I like seeing how things go based on a very loose set of guidelines, and making minor adjustments during the encounter, then evaluating the situation afterwards.

One of the reasons I like doing this is that unexpected things happen. On the flip side, there's also more room for experiences that aren't very exciting. I think I'm more likely to have disjointed or confusing encounters than a lot of other BDSMers I know, although maybe I'm just falling prey to the bias of assuming other people are doing better than I am. And Scripty Guy in particular really doesn't like disjoint and confusion -- he likes knowing what's going to happen.

Late in the relationship, I suggested that we try going through a checklist. When people use these checklists, a lot of the time they just write their rating for each act, and give them to each other to read. What we did instead was go through the checklist together and discuss what we found hot, what was not, and whatever else came to mind.

This worked amazingly well -- it totally bridged our theoretical gap and it was a turn-on in itself! (Seriously, by the time we were done going through the whole list, I **could not wait** to have sex with that guy.) The conversation also helped me figure out the scripted vs. un-scripted difference between us.

We stopped seeing each other for unrelated reasons soon afterwards, and they were good reasons, but it seemed like a shame; I felt like we'd only just started figuring things out. I'm not sure how well our S&M styles would have ultimately meshed, but I was curious

to try. Oh well... win some, lose some.

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3) **Transparent as Glass.** Very rarely, I'll end up with a BDSM partner where our brief in-the-moment communications -- you know, like groans, or physical shifts, or facial expressions, or even jokes -- function very well. We can get into intense, intimate S&M in a way that seems almost instinctive (although it helps future encounters if we talk it over and process what we did afterwards). This is really exciting when it happens, but I recognize it as unusual. A gift.

The person I'm about to write about is totally going to get a swelled head because I write about him so much, but he's such a good example, I have to. The first time I went home with him, I knew he wasn't in the public BDSM community. We'd had one really vague conversation about BDSM previously, and he'd read a small sample of my work. I didn't expect anything much.

He kissed me, and then I think he gave me some kind of mild signal like a bite on my shoulder. It was a gentle bite, by my standards. So I took matters into my own hands and removed my shirt, preparing to give him some feedback. He leaned back and said, "Whoa," and I thought, *Oh damn, I'm totally going too fast for him, he's probably not accustomed to a high degree of sexual directness,* so I said, "Sorry, is this okay?" and he laughed and kind of threw up his hands and said, "Sure."

That made me a tad nervous -- if me taking off my shirt surprised him, what else would surprise him? -- but I figured I'd see it through, see what happened. So I explained to him what kind of biting I really like, and showed where I like it on my back and my arms. I think I gave him a couple of other tips, too, but I honestly can't remember; it didn't take more than five minutes. I certainly didn't give him an exhaustive rundown of my preferences before I said, "Does that all make sense?" and he said "Yes," and put his hands on me.

Which is why it was so surprising that within a very short time, both of us were breathing hard and confused and maybe slightly dizzy and looking at each other with very wide eyes, and he was saying in an amazed tone: "I just -- I'm a little shocked. That was **really good**," and I was saying: "Yes. Yes it was."

It went like that for a while. He'd go for it, and then pull back, and I'd drag myself out of my BDSM headspace long enough to explain one or two ideas, or reassure him that I felt fine. And then he'd go for it again. And by the end of it, I was -- blazing.

Sometimes, it just works. You've never met this person before, you've talked for half an hour about something completely irrelevant like science fiction novels, yet it only takes five minutes of discussion about preferences and safewords, and then it just **works**. I don't know why, and I don't know how, but sometimes you find a partner who can just -- **read** you, like an open book -- or who seems as transparent as glass to you; or, if you're really lucky, both.

(But I write about this with some hesitation, and I'm putting it at the end of this post after two other examples for a reason: because I don't think it's the standard, and I don't think it

ought to be seen as standard. Especially because, paradoxically, this kind of instinctive connection will sometimes throw me off guard, make me unlikely to communicate when I probably ought to, because if he can read me that well -- it's so tempting to assume that "he just knows" everything. But of course he doesn't. I later had a couple rough moments with that particular guy, where I didn't tell him about boundaries that were actually pretty important, because I thought he could just tell -- and of course he couldn't always "just tell." Sometimes he could, but sometimes he couldn't.)

The overall moral of the story is this. Even with him, even with this guy, who totally blindsided me with his ability to read me despite the fact that he barely knew me: even with him, I had to be able to talk directly about what I wanted. Our connection was established because I was able to say, "Okay, that bite was a tad gentle, here's how I really like it, and here's what not to do with your teeth on me." **All my most extraordinary sexual connections have benefited from everyone involved taking ownership of their desire, and talking about it directly at least a little bit.**

I occasionally come across people who ask me how they can get their partners to do BDSM without talking about it directly. While I appreciate and sympathize with both their need to do BDSM, and their anxiety about talking about it -- I just can't get behind the premise of the question. The fantasy of a sexual relationship that is totally instinctive and perfect without any effort is just that -- a fantasy. And moreover, while you might be able to get some BDSM experiences without actually having a conversation about BDSM, direct sexual communication is not a threat to your sexual experiences -- it can improve them.

Do what you want, really, as long as it's consensual. If you want to have sex that's not communicative, that is your prerogative, as long as it's always consensual. (It's worth asking, though... are you so sure you can tell that it's consensual, if you don't talk about it?) Still. Learning how to talk about sex more directly and exactly might be hard or embarrassing or complicated, **but it is seriously worth it**. Not just BDSM; all sex.

It's so worth it.

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This post originally appeared at:

http://clarissethorn.com/blog/2011/03/11/storytime-sex-communication-case-studies/

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FEMINISM:

[theory] Towards My Personal Sex-Positive Feminist 101

I wrote this in 2011, when I realized that I couldn't find a good Sex-Positive Feminist 101 anywhere on the Internet. The original version contains a lot more links, including an evolving set of relevant links at the end.

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Towards My Personal Sex-Positive Feminist 101

There's an aphorism from the early 1900s literary critic Andre Maurois: "The difficult part in an argument is not to defend one's opinion but to know it." Even though I identify as an activist and genuinely want to make a real impact on the world based on my beliefs... I often think that much of my blogging has been more an attempt to figure out what I believe, than to tell people what I believe. And sometimes, I fall into the trap of wanting to be consistent more than I want to understand what I really believe -- or more than I want to empathize with other people -- or more than I want to be correct. We all gotta watch out for that.

But I'm getting too philosophical here. (Who, me?) The point is, I am hesitant to write something with a title like "Sex-Positive 101," because not only does it seem arrogant (who says Clarisse Thorn gets to define Sex-Positive 101?) -- it also implies that my thoughts on sex-positivity have come to a coherent, standardized end. Which they haven't! I'm still figuring things out, just like everyone else.

However, lately I've been thinking that I really want to write about some basic ideas that inform my thoughts on sex-positive feminism. I acknowledge that I am incredibly privileged (white, upper-middle-class, heteroflexible, cisgendered etc) and coming mostly from a particular community, the BDSM community; both of these factors inform and limit the principles that underpin my sex-positivity. I welcome ideas for Sex-Positive Feminism 101, links to relevant 101 resources, etc.

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Some Central Sex-Positive Feminist Ideas, according to Clarisse Thorn

1) **Desire is complicated, and people are different.** These ideas both seem basic and obvious to me as I write them, but I wanted to put them out there because I think they're useful anchors for all the rest.

2) **Gender is not a binary, and gender cannot be determined by a person's outer appearance or behavior.** Different people experience and display gender in a galaxy of ways. No woman in the world is perfectly submissive, perfectly hourglass-shaped, perfectly kind, etc, although these are stereotypes commonly associated with women. No man in the world is perfectly dominant, perfectly confident, perfectly muscular, etc. While many people reduce the idea of a person's gender to whether they have a penis or a vagina, the existence of trans people and intersex people proves that this isn't a valid approach. Individual people have all kinds of qualities that are attributed to the "other" gender... and the concept of an "other" (or "opposite") gender is weird in itself, because why does one gender have to be the "other," and what does that imply?

All this having been said, gender is frequently perceived as a binary, and many people fit themselves into the possibly-arbitrary system of gender that currently exists. There are ideas of "men" and "women" that are culturally understood, widely adopted, and socially enforced. Feminism has its roots in women resisting men's violent and social dominance, and in women resisting the cultural emphasis on stereotypical men's desires.

3) **Historically, sex has usually been defined in terms of two things: (a) reproduction, and (b) the sexual pleasure of stereotypical men.** Cultural sexual standards are based on these things. For example, the sexual "base system"; if you've read my work before then you'll have seen me talk about it a lot, because it's such a perfect example. It's commonly discussed among USA schoolchildren and it describes kissing as "first base," groping as "second base," oral sex as "third base" and penis-in-vagina sex as "home base." Why should this hierarchy exist? It only makes sense if we think of sex as being centered around reproduction. If we think of sex as being about pleasure and open exploration in ways that are different for everyone, then having a "home base" -- a standardized goal -- makes zero sense.

Another example: penis-in-vagina sex is often seen as "real" sex or "actual" sex, with all other sex considered "less real." How many arguments have you had over the course of your lifetime about whether oral sex "counts" as sex? (Hint: more than the subject deserves.) For a recent example, there's the Kink.com virgin shoot, wherein a porn model publicly "lost her virginity" notwithstanding the fact that she'd already had plenty of oral and anal sex on camera for years -- she'd just never had vaginal sex.

As for sex being defined by the pleasure of stereotypical men: one example is how people usually think about orgasms. In my experience and that of people I talk to -- and in the vast majority of porn -- it seems commonly accepted that sexual activity ends with a man's orgasm, whereas women are commonly expected to continue engaging in sex after having an orgasm... despite the fact that many women seem just as tired and less-interested in sex post-orgasm as many men are. In part, this goes back to defining sex in terms of reproduction: men have to orgasm in order for reproduction to happen, so men's orgasms must (supposedly) be central to sex. It's all influenced by these other constructions, like how penis-in-vagina sex is "real" sex, or "home base": many people are confused by the idea that you'd shift sexual gears to (for example) manual stimulation if you've already "made it to home base." But it also arises from centering stereotypical men's desires -- from a culture that just generally sees them as more important, more driving, and more necessary than women's. (Note that the majority of women don't achieve orgasm from penis-in-vagina sex in itself.)

When sex is defined in terms of reproduction and stereotypical male pleasure, the following things result:

+ People who aren't men have a harder time understanding their sexuality, because there are fewer models (for example: it's fairly common for women to figure out how to have orgasms much later in life than the average man -- like 20s or 30s, if ever)

+ Men who don't fit masculine stereotypes have a harder time understanding their sexuality (for example: there's a great essay by a former men's magazine editor in the anthology *Best Sex Writing 2010* in which he talks about how hard it was for him to come to terms with his desire for heavy women)

+ Even men who do fit masculine stereotypes feel limited from other types of exploration, and may derive less pleasure from sex than they would in a less broken world

+ Sex acts or sexual relationships that aren't reproductive are devalued, are seen as weird, or aren't even defined as sex (for example: stigma against gay sex, lesbian sex, many fetishes, etc)

4) **Women are expected to trade sex to men in exchange for support or romance.** Women who don't get a "good trade" (e.g. women who don't receive a certain level of financial support or romance "in exchange for" sex) are seen as sluts. Men who don't get a "good trade" (e.g. men who don't receive a certain amount of sex "in exchange for" a relationship) are seen as pussies. (Yes, "pussies"... don't you just love that a word for female genitalia is a commonly used insult against so-called "weak" men?)

What this also means is that many people have trouble examining motivations outside this framework: women are always expected to be looking for more emotional or financial investment from a guy, whereas men are always expected to be looking for more (or more so-called "extreme") sex. Women who actively seek sex, or men who actively seek intimacy, are shamed and hurt and confused for it -- often even within their own heads.

5) **Since stereotypical men have historically been much freer to explore their sexuality than people of other genders, the desires of stereotypical men have formed the pattern for "liberated sexuality."** As women have won freedom to act, work and explore outside the home more, we've been following patterns created mostly by men, and those patterns might look extremely different if women had created them.

When we talk about sexuality, I think that leads us to examine what "liberated sexuality" looks like. "Liberated sexuality" is often stereotyped as promiscuous, for example. "Liberated sexuality" is also stereotyped as being unromantic, never involving any of those pesky pesky feelings, etc. I write about this cautiously: I have no intention of telling anyone what "real" men do or feel, or what "real" women do or feel. However, it seems conceivable to me that most men are generally more likely to enjoy promiscuity and emotionless sex than most women are -- if only for hormonal reasons. Here's a quotation from the brilliant trans man sex writer Patrick Califia on the effects of testosterone:

It's harder to track psychological and emotional changes caused by one's taking testosterone than it is to notice the physical differences. But I think the former actually outweigh the latter. It isn't that testosterone has made me a different person. I always had a high sex drive, liked porn and casual sex, couldn't imagine giving up masturbation, was able to express my anger, and showed a pretty high level of autonomy and assertiveness. But all of these things have gotten much more intense since I began hormone treatments. During the first six months on T, every appetite I had was painfully sharp. A friend of mine expressed it this way: "When I had to eat, I had to eat right fucking now. If I was horny, I had to come immediately. If I needed to shit, I couldn't wait. If I was pissed off, the words came right out of my mouth. If I was bored, I had to leave." My body and all the physical sensations that spring from it have acquired a piquancy and an immediacy that is both entertaining and occasionally inconvenient. Moving through the world is even more fun, involves more stimulation than it used to; life is more in the here-and-now, more about bodies and objects, less about thoughts and feelings.

... Casual sex has changed. When I want to get off, my priority is to find somebody who

will do that as efficiently as possible, and while I certainly would rather have a pleasant interaction with that person, I don't think a lot about how they were doing before they got down on their knees, and I don't care very much how they feel after they get up and leave. It's hard to keep their needs in mind; it's easier to just assume that if they wanted anything, it was their responsibility to try to get it. I always preferred to take sexual initiative, and that has become even more ego-congruent. (pages 397-398, *Speaking Sex To Power)*

A trans woman friend once told me that not only did she get turned on more frequently pre-transition; also, she now has to feel more emotionally connected to her partner in order to enjoy sex. And she noted that she has to "take care of herself more" in order to feel turned on now -- not just in the moment, but in life, and in the relationship.

If we accept that there is, speaking generally, a difference in sexual desires between men and women (although individuals will always be unique), then it leads to new questions. If women were socially and culturally dominant, what would so-called "liberated sexuality" look like? If people of all genders are following patterns set by stereotypical men, then what does that mean for attempts to think around those patterns?

6) **Communicating consent is complicated, but consent is the only thing that makes sex okay, so we have to make every effort to respect it.** All sex is completely fine with me as long as it's consensual. Seriously, I really don't care what you do -- as long as it's consensual. (Try to find a consensual sex act that shocks me. I dare you.)

Communicating consent can, however, be complicated, and there are lots of different ways to do it. Many BDSMers are eminently familiar with this, as you can tell by the fact that some parts of the BDSM community have developed an extensive array of tactics for discussing consent. For example, the most famous BDSM communication tactic is safewords, which gives everyone involved a clear word that they can invoke to stop the action at any time.

Most people don't communicate directly about most things, and the stigma and high emotions around sexuality make it even harder for most people to communicate directly about sex. Hence, most sexual communication is highly indirect. Even among people who are accustomed to direct sexual communication -- like many BDSMers -- a lot of communication ends up being indirect and instinctive anyway; there's just no way to discuss every possible reaction and every single desire ahead of time. Everyone fucks up sometimes. No one in the world has a perfect track record on creating a pressure-free environment for their partners to express what they want... or asking their partners for what they want... or even knowing what they want in the first place.

So, yes, I acknowledge that communicating about sex and getting what you want consensually can be really hard. However, it's most important to not violate people's boundaries. No matter how hard it is, it's necessary to make a serious and genuine effort to measure and respect a partner's consent every time sex happens. Feminist ideas of enthusiastic consent are designed to help this process.

Here's my attempt at a quick definition of enthusiastic consent:

The basic idea is simple: don't initiate sex unless you have your partner's enthusiastic

consent. Not a partner who says, "Okay, I guess," in a bored tone, but doesn't actively say "no." Not a partner who is silent and non-reactive, but doesn't actively stop you when you start having sex with them. Not a partner who seems hesitant, or anxious, or confused. Enthusiastic consent means an enthusiastic partner: one who is responding passionately, kissing you back, saying things like "Yes" or "Oh my God, don't stop"... or a partner who talks to you ahead of time about what will happen, as many BDSMers and sex workers do, and knows how to safeword or otherwise get out of the situation if you do something they don't like.

It's worth noting that there are critiques within feminism of the concept of enthusiastic consent. For example, some feminist sex workers point out that when they have sex for money, their consent is not exactly "enthusiastic," but they still feel that their consent is real consent, and that their choices must be respected. The same goes for some asexual people. Asexuality is commonly defined as "not feeling sexual attraction to others," but some asexual people have romantic relationships with other people in which they have sex entirely to satisfy their partner, and some of them have said that they don't feel included by feminist discussions of enthusiastic consent.

Hey, even some of my non-asexual, non-sex worker friends have problems with the idea that they aren't "really" consenting unless they're super-enthusiastic about the sexual act at hand. A married friend once commented wryly that if she and her husband always demanded 100% enthusiastic consent from each other, then the marriage would fall apart. But as we continued to discuss it, she and her husband both agreed that they have zero problem with the situation as it stands.

I don't want to sweep those critiques under the rug. I figure that as long as everyone's communicating about the situation openly, and working to keep things relatively low-pressure, then consent is likely to happen, even if it's not perfectly "enthusiastic." I've had extensive debates on the topic with other feminists, though, and I often seek more, because honing consent theory is one of my favorite things!

All this having been said: the concept of enthusiastic consent has been very helpful for me personally. I know that it's also been helpful for an enormous number of other people who are trying to understand boundaries in their sexual relationships. I absolutely believe that enthusiastic consent is an important and useful standard, and I do my best to observe that standard as much as I can in my own relationships. So, while I think some critiques are reasonable, I also think that the idea of enthusiastic consent is the best baseline assumption to start these conversations... if not to end them.

7) **In practice, as long as everyone involved is having consensual fun, criticism is secondary.** Practically speaking, consent is the most important thing; from a pragmatic standpoint, the question of whether sexuality arises from biology or culture doesn't matter nearly as much. (I find the question of whether BDSM can be categorized as a sexual orientation to be more politically and theoretically interesting than practically important.)

Understanding sexual biology or culture may help us grasp some of the complexities of consent. For example, people often have trouble saying "no" to things directly: when was the last time you explicitly said "no" when you didn't want to do something? Which of the following exchanges is more likely:

Person A: Hey, want to come over tonight?

Person B: You know, I'd love to, but I'm so exhausted from work, I really need to get some sleep.

or

Person A: Hey, want to come over tonight?

Person B: No.

People of all genders really don't like saying "no" to things directly. Grasping this important cultural concept is one step on the path of learning how to communicate effectively about consent. But in my book, it's really not as important to understand why people hate saying "no" directly, as it is to understand that people hate saying "no" directly. It's necessary to understand that because it means that pushing someone until they say "no" can mean pushing them further than they wanted to go.

I believe that the most important role of social criticism -- including sex-positive feminism -- is not to tell people what to do. If you have sex that appears to be in line with ridiculous and oppressive stereotypes, I really do not care as long as everyone involved is consenting and having fun. I reserve the right to occasionally have consensual sex where a gentleman friend beats me up before fucking me, and I reserve the right to enjoy it.

But I want to offer sex-positive feminist analyses in order to help people understand themselves and their desires... and also understand their partners and their desires. I think that many people have sex they don't like, sex that's in line with ridiculous and oppressive stereotypes, because they haven't been exposed to anything they like better. I think many people have sex they don't like because they don't feel like they can look for something different -- they think it's the best they can get. I think many people have sex they don't like because they think it's what their partner wants -- and I think those people are frequently wrong, and I think most partners would genuinely prefer that everyone be having fun.

Which is why I try to deconstruct sexual norms and stereotypes. Which is why I encourage people to look for what they like. Which is why I always emphasize talking about it.

8) **Awesome, respectful, joyful, mutual sex means approaching sex as collaborative rather than adversarial.** Aside from solo sex (i.e. masturbation), sex always involves another person. And at its best, it's about having a good time with other people -- understanding their reality, accepting it, playing with it. The best metaphors I've ever heard for sex were all about collaborative art, like a musical jam performance. Here's a bit from Thomas MacAulay Millar's totally brilliant essay "Towards a Performance Model of Sex" (please do read the whole thing someday):

The negotiation is the creative process of building something from a set of available elements. Musicians have to choose, explicitly or implicitly, what they are going to play: genre, song, key and interpretation. The palette available to them is their entire skill set -- all the instruments they have and know how to play, their entire repertoire, their imagination and their skills -- and the product will depend on the pieces each individual

brings to the performance. Two musicians steeped in Delta blues will produce very different music from one musician with a love for soul and funk and another with roots in hip-hop or 1980s hardcore. This process involves communication of likes and dislikes and preferences, not a series of proposals that meet with acceptance or rejection.

... Under this model, the sexual interaction should be creative, positive, and respectful even in the most casual of circumstances.

("Towards a Performance Model of Sex" was first printed in *Yes Means Yes,* edited by Jessica Valenti and Jaclyn Friedman, the brilliant sex-positive anti-rape anthology that I want everyone in the entire world to read. It was also reprinted in *Best Sex Writing 2010,* edited by Rachel Kramer Bussel.)

9) **All people deserve equal rights, including sexual minorities.** As long as people are having consensual sex, they do not deserve to be stigmatized, harassed, or otherwise harmed for their sexuality. Period. No one should be fired for their sexual or gender identity. No one should have their kids taken away for their sexual or gender identity. Rape is still rape, even when it's perpetrated against a sex worker. I support decriminalizing sex work for a lot of reasons; for example, I'd love it if the law would quit harassing and jailing sex workers for having consensual sex, and I'd love it if sex workers could organize for better workplace safety. The bottom line is that people -- all people -- have rights. It's time to treat them that way.

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In terms of actual ways to be sex-positive in everyday life, here are the three ways I usually encourage people to spread the sex-positive love:

A) **Avoid re-centering.** Sexuality shouldn't be societally "centered" on any particular norm, idea, or stereotype (except consent). It is frequently tempting to re-center "objective" ideas about sexuality onto ourselves, if we're different from the norm, or onto people we admire. But the truth is that -- on a societal level -- queer sex is just as awesome as straight sex; that BDSM sex is equally admirable as vanilla sex; that cisgendered people are not any more or less amazing than trans people. The decision to have sex is no better than the decision to avoid sex, and asexual people are just as great as hypersexual people who are just as great as anyone with any level of sex drive.

In alternative sexuality subcultures, one often encounters a kind of superior attitude, perhaps because we have to push back so hard against the norm. In polyamory, for example, some of us use the sarcastic term "polyvangelist": a person who insists that polyamory is "better" or "more evolved" or "makes more sense" for everyone, everywhere, than monogamy does. Neither monogamy nor polyamory is better than the other; they're just different. Polyvangelists are trying to re-center onto polyamory. Not cool.

B) **Start conversations.** One of the most damaging problems around sexuality is the overwhelming and constant stigma. It hurts people with certain sexual identities, preferences or pasts. It hurts them spiritually. It can hurt them societally, like when LGBTQ folks have difficulty adopting children, or former sex workers are not allowed to work at other jobs. It can even hurt them physically: 40 years after doctors started

noticing the HIV pandemic, too many people are still refusing to talk about sex openly, or give healthcare to sexual minorities directly affected by HIV. To say nothing of people who are attacked or killed for their sexual minority status, like trans people who are murdered in the street, or lesbians who are raped in order to "fix" their sexuality. Sexual stigma kills.

So when someone says something icky about sex and gender, or stereotypes a certain sex or gender identity, it's so great to challenge them -- or at least to question them. ("Really? What makes you think all gay people are abuse survivors?") And some of the most powerful sex activism out there involves starting discussion groups, creating venues for discussion, hosting sexuality speakers or sex-related art, etc.

C) **Be "out" or open, without being invasive.** This can be tricky, because I don't want to encourage people to aggressively talk about sex at totally inappropriate times -- and again, I'm against re-centering. On the other hand, the most powerful tool for destigmatizing sexuality appears to be coming out of the closet -- whether a person is queer, BDSM, or whatever. Openly acknowledging, owning, and discussing your sexual preferences can help others respect those preferences -- and can help others who share those preferences respect themselves. (Can you tell that I cried when I saw the movie *Milk?)*

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This post can be found on the Internet at:

http://clarissethorn.com/blog/2011/05/08/towards-my-personal-sex-positive-feminist-101/

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S&M:

[theory] S&M Superpowers

I wrote this post in 2011, but I encountered the "superpower" framework for fetishes in 2008, before I started blogging. I was telling one of my first S&M partners about how broken and anxious I felt, and he said: "Why talk about it that way? You haven't lost anything. You've gained a superpower!"

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S&M Superpowers

I've gotten so bored of the biases and stereotypes against S&M. It's like, "Hey, another person who implies that those of us who do consensual S&M were all abused as children? Sweet! That person is wrong, and I consider those views highly stigmatizing and sometimes damaging. So, can we go for a swim now?"

(For the record, the biggest and best-designed study ever done on this topic surveyed

20,000 people and found that S&Mers "were no more likely to have been coerced into sexual activity" than the general population. But -- also for the record -- an S&Mer whose sexuality was associated with being abused would not be "less legitimate" than the rest of us, as long as that person practiced kink consensually. Because what makes S&M okay is consent, right? Right. S&M isn't okay or not okay because of its "source," whatever that might be -- it's okay only when it's practiced consensually, right? Right. So this is all actually kind of a silly conversation to have in the first place, right? Right. It's too bad stigma tends to make zero sense, isn't it? Stigma loves to trick you into debating on its own terms.)

It's much more entertaining to imagine how people would talk about S&M, if we lived in a culture where S&M wasn't wildly stigmatized. In fact, **what if S&M were admired or seen as a great thing**... instead of being repressed and forced underground and seen as a dark, evil, disgusting thing? I've known people who called S&M and other fetishes "superpowers," in a kind of ironic twist on this concept.

Many people have written about how S&Mers can offer lessons in sexuality that we gleaned from our outside-the-box perspective (there's a whole paper on this topic for clinicians, written by psychologist Peggy Kleinplatz and titled "Learning from Extraordinary Lovers"). I myself have talked about how S&Mers tend to use much more careful and precise sexual communication tactics than the mainstream (examples include checklists and safewords). But these lessons are hardly **confined** to S&Mers -- there are lots of vanilla people out there who are awesomely careful and precise about communicating sexually.

The superpower framework is a bit different....

+ For example, I already noted that it's been demonstrated that S&Mers are not more likely to have endured non-consensual acts -- so we know that despite what Freud would have had you believe, all S&M does not arise from childhood abuse. But maybe it does arise from a childhood experience... an **awesome** childhood experience. Maybe the Missing S&M Link is that something totally wonderful happened to S&Mers in our childhoods.

Hey, vanilla people? I'm so sorry you all had such bad childhoods. Really, you have my sincerest sympathies.

+ For example, some folks will say that we S&Mers have a wire crossed somewhere; some genetic inferiority. But maybe we are totally way superior. Maybe average dominants and sadists are, say, more empathic than the norm. (There is, after all, actual research showing that consensual S&M increases intimacy.) Maybe average submissives and masochists are better at processing pain and enduring challenges, both physical and emotional, than the norm.

Sorry vanilla people, but we're going to have to start screening for your gross vanilla genes in the womb. Nothing personal.

+ For example, one of my exes has a story about how he was down in Latin America and he only had access to incredibly cold showers. So he gritted his teeth, stepped into the shower, and told himself that a dominant woman was forcing him to take it. "Actually it

made the shower a million times easier to deal with," he said later. "And I had a raging erection the whole time."

Aren't submissives awesome? I pity those of you who lack submissive tendencies.

Just because anything on the Internet can and will be misread, I will conclude this post by hammering down the point that **this is all a thought experiment, and I do not actually think vanilla people are any less wonderful than S&M people**. It's okay vanilla folks. I love you just the way you are.

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This post can be found on the Internet at:

http://clarissethorn.com/blog/2011/06/21/sm-superpowers/

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S&M:

[theory] BDSM Can Be "Love Sex" Too

In early 2011, my fellow sex blogger Rachel Rabbit White asked me to participate in her initiative "Lady Porn Day." This was the result. There's a list of relevant links at the end of the online version of this article.

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BDSM Can Be "Love Sex" Too

I'm not a big porn consumer, but I have no problem with porn in itself. When I have a problem with porn, it's because I have a problem with how it was made: because there are labor issues, or questions of the actors' consent. Sometimes, I get frustrated with the context in which porn exists or the stereotypes it expresses -- but there, the problem is with the context and the stereotypes, not with porn in itself. I tend to think that most anti-porn anxiety arises from irrational grossed-out reactions and stereotype-created fears, and I try to open up conversations about the ethics of making porn whenever I can.

This isn't to say I don't get angry because many people in our society are pressured to have sex that doesn't work for them -- but that's not the fault of porn. I certainly get frustrated by sexual stereotypes, but I don't think porn created those stereotypes.

One stereotype I've been thinking about a lot lately -- one that I see expressed over and over in BDSM porn -- is the idea that BDSMers don't love our partners, or that love can't be part of a BDSM relationship. Here's a quotation from Pat Califia's *Speaking Sex To Power* that touches on this (note: contains **spoilers** about the endings of three famous BDSM novels -- *Story of O, Return to the Chateau* and *Nine And A Half Weeks):*

I still remember how crushed I was when I read Story of O *and* Return to the Chateau

and came to the ending, where Sir Stephen loses interest in O and tells her to kill herself. I can also remember being furious with the way Nine And A Half Weeks *(the book, not the movie) ends. The submissive woman has a public breakdown. She begins to cry hysterically, and is abandoned by her master, so that strangers have to obtain help for her. One of the cruelest stereotypes of S/M people is that we don't love each other, that there is something about our sexual style that makes our relationships mutually destructive and predisposes us to suicide.*

This quotation came to mind during a conversation I had a few days ago: I was talking to a girl who really likes BDSM sex but referred to non-BDSM sex as "love sex." Because, you know, love is just not an ingredient in BDSM sex. "Everyone knows" that -- the same way "everyone knows" that BDSM always arises from childhood abuse, or dominant sadism is for villains, or everyone who likes BDSM is damaged and miserable and irresponsible, or....

Not to put too fine a point on it: fuck that.

I'm not saying there's no BDSM smut out there with love in it. Anne Rice's Beauty series ends with Beauty riding off into the sunset with her loving sadomasochistic partner (although of course the characters deal with all kinds of uncaring brutality first). But even nuanced BDSM erotica seems to fall into this trap more often than not -- for example, Jacqueline Carey's *Kushiel's Dart,* which is so consciously written that it includes safewords, also portrays a main character whose most compelling BDSM relationships are with her enemies and whose love relationship is with a man who can't stand to hurt her. (Carey took a very different tack later in the series, with other characters; I've always wondered whether she did so as a reaction to criticism.)

It's easier to criticize than create. And all my porn critiques could come back and bite me soon, because I plan on releasing my own BDSM smut sometime... and I'm sure that what I produce won't even be close to perfect. Yet one thing I really want to ensure I represent in whatever I write is love. There are plenty of BDSM fantasies that partly operate on the absence of love -- that even **demand** it, perhaps because the fantasy is all about a vicious and emotionally distant dominant, or because much of the erotic tension is derived from how much the partners hate each other, or for lots of other reasons. And yeah, they're hot in their own way....

But it'd be so great if those weren't the standard.

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2011/02/22/ladypornday-bdsm-can-be-love-sex-too/

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S&M:

[theory] Body Chemistry and S&M

This was originally published in 2011. I don't normally write basic "how-to" posts like this, but every once in a while I see a gap I just have to fill.

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Body Chemistry and S&M

I often think that good physical health is a widely-ignored element of good sex. I am obviously not saying that people in poor health can't have good sex (and in fact, I certainly hope they do -- more power to 'em). But it consistently amazes me how much my physical health factors into my sexuality, especially S&M. I am by no means an expert on this topic, but here are some examples:

* **Food.** I am both less interested in sex and in S&M when I'm hungry; ensuring that I've eaten well before I take some punishment is especially crucial. I try to eat well in general, but if I'm planning to have a heavy S&M encounter, I don't cut myself any slack. I try to specifically ensure that I eat enough protein before the date and I try to include some vitamin-heavy foods like beets, leafy green vegetables, etc. Eggs are a good source of protein; nuts, beans and tofu are my primary protein sources. If I don't have enough protein available for whatever reason, I at least eat enough food that I won't be hungry when I see my partner.

Part of the reason I'm writing this right now is that I've had trouble finding useful resources on the Internet for what people recommend as good pre- or post-S&M food, especially during aftercare. "Aftercare" is an S&M term for how people end their S&M encounters. One excellent page on aftercare describes it thusly:

Aftercare is the last act of the SM drama. It is the culmination, the pulling together of all loose ends, the finishing touches, the final communion between sharers of the SM ritual, the phase where the participants (usually the tops) formally give the fantasy scene a context in everyday reality. Its technical purpose is to transition both players from the elevated states created in a scene [i.e., an S&M encounter] back into normalcy, returning to the motor control and awareness they will need to drive home once the scene is over. But as any good SM practitioner will tell you, it's much more than that. It is the time after the action when the participants come together in mutual affirmation that something special was created and shared. It is when affection and closeness is offered and sought. It is, at very least, the proper time to express thanks to the person who has shared this tiny segment of your life with you. It can be, and often is, the most beautiful part of a scene, and it is part of the scene. To skip it altogether is as rude as having dinner at a friend's house and then bolting once you've eaten your fill.

A lot of tops keep food and water on hand to give bottoms at the end of a scene, which I think is probably a good idea. (Eating post-scene doesn't feel necessary for me as a bottom, but it might if I weren't so careful about what I eat beforehand.) Some people say that fruit or fruit juice is the way to go -- and indeed, it will give the bottom's system a sugar boost and may make them feel better for that reason -- but I would personally rather eat a protein bar, and I have some friends who feel the same way. Dungeons usually serve snacks, although the snacks aren't always very healthy.

A final note on food: I know there are people who specifically include food deprivation as part of their S&M. Obviously, this is totally fine by me as long as it is consensual, but I'd encourage people not to expect themselves -- or their partners -- to react the way they usually do to S&M, as long as they're hungry.

* **Weight.** I used to be much scrawnier than I am now, and as my health has improved, I've gained weight. Sometimes this freaks me out (it's impossible to be female in our society and not daydream about having cheekbones that can stab people), but it has been worth it. One time, after I'd been having a lot of anxiety about weight gain, my then-boyfriend emailed me the image of an art card printed with the words, "I gained 30 pounds... & sex has never been better!" He perceptively wrote: "Maybe that's why it's easier for you to have orgasms now? I think you should investigate this if you try to lose weight."

I am not in a position to comment about whether being overweight affects sex. But I can definitely assure you that being underweight is not good for your sexual well-being.

* **Sleep.** I much prefer to have S&M encounters on days when I've gotten a lot of sleep the night before; this is at least as crucial as eating well before an encounter. There are approximately a billion studies that show the far-reaching effects that getting enough sleep can have on our health, and they seem to usually recommend around 7-8 hours as a good amount per night (more for teenagers).

As with food, I know there are people who include sleep deprivation as part of their S&M encounters. Again, this is obviously fine by me as long as it is consensual, but I'd encourage people not to expect themselves -- or their partners -- to react the way they usually do to S&M, as long as they're tired. I don't know about you, but exhaustion certainly makes **me** erratic and overly emotional. If you're going to be doing something like S&M that can specifically create an erratic and overly emotional state... well, when overlapping that with exhaustion, it just seems like a good idea to be careful.

* **Alcohol.** Alcohol definitely decreases my pain tolerance (quite dramatically in fact), and it definitely makes it harder for me to get turned on. There is only one bonus to alcohol, and that's the famous "social lubricant" effect. I personally prefer to limit myself to one glass of wine, maaaaybe two, if I'm planning to hook up with someone; in general, stone-cold sobriety is my preferred state to go into S&M. Good S&M makes me high enough on its own.

I get the impression that some people get drunk before they do S&M because otherwise they feel too anxious to do S&M. As always, I'm not going to tell other people that they shouldn't do consensual things... but drunkenness frequently makes it hard to communicate and hard to know what's going on in your head, which means that drunkenness makes consent hard. Not impossible, just hard. Be careful.

A lot of people say that mixing substances and BDSM is always bad. Personally, I figure that if a person has a lot of experience with a given substance, and a lot of experience with a given BDSM act, and a lot of experience with their partner... then I kind of doubt they're taking a huge risk by doing a familiar BDSM act with a familiar partner in a familiar state of mind. It's a lot to deal with at once, and again, it's worth being careful.

And of course, substance abuse problems are a whole nother ballgame. But if a person has been drinking a glass of wine with dinner every night for 10 years, then I'm not going to tell her that I consider her incapable of doing BDSM after dinner.

I am not qualified to comment on non-alcohol drugs because I, of course, never do anything illegal. But for all your drug-related questions, the website Erowid.org is often very useful.

* **Illness.** I don't have any particular observations about how being sick changes my experience of S&M, but it definitely does. When I get sick and I have the option to reschedule a date, I always do.

* Aaand finally, **menstrual cycle.** I haven't tracked my cycle with enough care to know exactly how it affects me S&M-wise, but I'm pretty sure it does. As one of the good people at EduKink once observed, "The great part about playing with a woman is that you have 28 different partners, one for each day of the month!"

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/01/30/body-chemistry-and-sm/

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S&M:

[theory] Going Under

This was originally published in 2011. People have asked me whether there's any actual research out there on the altered states that some people access through S&M; as far as I know, there isn't. It's also worth noting that a lot of dominant partners go into another kind of "zone" that's sometimes called top-space.

* * *

Going Under

"Come back," an S&M partner said softly, the other day, pushing my hair out of my eyes. I blinked and shook my head in a futile attempt to clear it.

"That's weird," I said. "Someone else used to say those words to me when I was coming out of subspace. I... that's weird."

"I'm not surprised," he said. "It's a natural thing to say to you. You go under so fast, and so deep. You're so far away."

"Not all the time," I said. "And not with everyone. You're good at putting me there."

He smiled. "You bring it out in me."

Subspace is so hard to describe. I've written about it before, in passing, so many times, because it's so important, but I've never come up with a good description for it; and when I Google for it I can see that other people have the same problem. When I'm starting to go into subspace it's just soft and dark and slow. But when I'm really far under, I'm totally blank. Falling. **Flying.**

Somewhere else.

Come back.

What is it, where do I go? It's just submissive, masochist headspace. But I don't always get into subspace when I submit, and I don't always get into it when I take pain either. I'm not sure what the other ingredients are: some amount of trust, of course. And strong feelings about my partner make everything more intense... way more intense. Orders of magnitude more intense. Still, I've had new partners put me under with surprising thoroughness.

It's a lot like deep sexual arousal -- hard to think, hard to process, hard to make decisions -- but the deepest sexual arousal does not put me anywhere near deep subspace. Deep subspace is. More. Than anything else.

Some S&M teachers tell people not to drive after an S&M encounter, not for a while; not until you're over the subspace. They compare it to an altered state, like being drunk. Some S&M teachers caution that it's dangerous for the dominant partner to suggest a new activity in the middle of an S&M encounter -- something that wasn't negotiated beforehand -- because the submissive may not be able to think clearly enough to consent. (And because in those moments, the submissive will have a harder time than ever saying no.)

I sometimes think that when I was younger and less experienced, I abandoned myself to subspace more easily. I'm better at pulling myself out of subspace now, but I think the cost may be that it's harder for me to really get into it. (Safety first?) I trained myself to be able to say, "Don't stop," when I wanted my partner to keep going. (Sound easy? Trust me, it took a while.) Playing with unfamiliar partners, I trained myself to be on guard. (One of my sex worker friends told me once, "I don't care how deep the subspace is, I can always come out if the client tries to fuck me without a condom.") I got better at calling my safeword **before** I had to -- asking my partner to do something else or give me a break, rather than suddenly stopping everything once I hit my absolute limit.

I am nowhere near perfect, of course. In particular, I can rarely answer complicated questions, and sometimes my partners literally can't get me to answer **any** questions when I'm subspaced. Sometimes it takes me a long time to come out, and partners may get nervous while I'm surfacing. But I'm not sure these aspects can actually be eliminated from subspace. And I've gotten better.

I'm sure that in an emergency, I could talk and function straight out of heavy subspace. I doubt I would be optimally intelligent and thoughtful, however.

When I was younger, I'd get frustrated with my partner if he tried to ask me questions or clarify things or otherwise check in with me when I was in subspace. *Damn it, can't you*

see I'm not here? Can't you see I'm under? Don't drag me back -- Intellectually, I understood that my frustration was unreasonable, and I did my best to train myself to deal with the check-ins. To surface quickly, slip back under afterwards. But I had to experience subspace from the dominant side before I understood **how** hard it was to deal with.

I remember sitting with my arms around the submissive and occasionally asking him how he was; in response, he would murmur and snuggle up to me. Ten minutes. Twenty minutes. I was processing my own dominant experience, and I had questions; I'd occasionally ask one. He'd murmur something softly. After a while I really wanted a glass of water and I thought he'd basically fallen asleep, so I said, "Hey, I'm going to go get a glass of water, okay?" and tried to move away.

"No," he cried, and grabbed me. *Holy shit,* I thought, *so that's what surfacing from subspace can look like from the outside.* Suddenly I understood exactly where his head was at: barely any time had passed for him at all, and he was still drifting up through velvety layers of consciousness. When I tried to leave, he'd felt sudden panic, a shot of pure abandonment, *no no* ***no*** *you can't, you* ***can't*** *leave me alone when I'm like this, please I need your arms around me, I need you --*

I knew exactly what to tell him. "Shh," I said, "I'm here."

A dominant friend once told me that he always informs his partners ahead of time that he has to move after a good scene, he has to go for a run, and he won't stick around to guide them out of subspace. I've always wondered how his partners deal with it. Maybe it's easier if you know it's coming.

There are questions of consent, of negotiating new activities while a partner's in subspace. Some people have told me they can't even actually safeword when they're in deep subspace; I can't quite relate to this, but I imagine it could happen sometime. I myself have occasionally had trouble safewording in the past, but it wasn't ever just because of subspace, it was because of pride or difficult emotions with the dominant partner. Subspace did complicate things, but I don't think it was the reason I had trouble (though it can be hard to disentangle these things). But maybe someday I'll go under so far that it will be.

I'm not saying it's never okay to push further than you discussed, once they're under -- it's just important to be careful, and not to do it unless you're pretty sure you can read your partner... or that they have the emotional wherewithal to deal with it if you push too hard.

Because safety in subspace is a question of emotional safety, more than anything. The vulnerability and intimacy in those moments can be terrifying. The tiniest change in his tone can mean the difference between mindless fear and absolute trust. It's so scary, and so intoxicating, and so weirdly unexplainably glorious.

Come back.

The best part might actually be coming back.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/04/22/going-under/

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ORGASMIC "DYSFUNCTION":

[storytime] A Unified Theory of Orgasm

At one point during my blogging career, an editor for the iconic feminist publication Ms. Magazine *got in touch and asked me to do some promotion for them. I asked if they would accept a submission from me, and when the editor said yes, I poured my soul into this long article about my experiences learning how to have an orgasm. The article was rejected by* Ms., *so I went back to my old friend the Internet and got published on the adorable girl-power site OffOurChests.com. Then it was cross-posted in about a million places. I would love to get published in* Ms., *but in retrospect, I'm actually glad that this piece went out on the Internet instead of being trapped in a print publication. I've received an enormous amount of positive feedback for this piece, and I'm certain that most of the young people who tell me it helped them would never have seen it if it were in a print magazine.*

* * *

A Unified Theory of Orgasm

I CAN'T COME.

and it's poisoned

every romance

I've ever had.

masturbating doesn't work. I don't know why. I tried therapy too, but my smart, understanding, sex-positive, open-hearted doctor couldn't help. drugs while fucking? check. I date attentive men who only want to make me happy, but no matter how fantastic they make me feel, I can't get off. and believe me, I like sex. I love sex! how can it feel so good and not end in an orgasm? I tried experimenting, and I sure do love the kink. it feels great. but doesn't get me off. I've tried everything. everything.

now I have the best boyfriend I've ever had. but just like every other one, he can't get me off. big dick? oral sex? tons of foreplay? kink? it's all there. nothing works. I used to lie to my boyfriends and say it was ok that I couldn't get off. then at least they could enjoy sex without feeling guilty. but then they'd stop trying, of course. and this one is still trying... sometimes. I mean, it's clearly never going to work. so I can't blame him for not having the same passion for trying as he used to. and I keep thinking I should back off. after all, why put pressure on him to "perform"? he'll just resent me if I keep asking for more, even if I'm gentle about it and compliment him and all that. since nothing he does

works. it will never work.

and I try so hard not to get frustrated, but I can't avoid the knowledge that I am fucked up, I must be broken. I mean, any normal woman would have come by now. so what do I do? I don't know what I need. do I back off and focus on him? that's what I end up doing, because I can't face asking for a little more attention in bed anymore. what's the point? he'll just resent me when it doesn't work again. so I back off. and I can't help resenting him, just a little, for not noticing how much I'm hurting. and not trying, even if I am broken, and I will never ever come.

* * *

I. ***Vaginal Pain***

When I wrote the above, I was actually pretty close to figuring out how to have an orgasm. But I didn't know that. I'd dealt with the anxiety of being unable to come for so long -- and I'd also recently begun to understand that my sexuality is oriented towards S&M -- and so anguish just flooded out of me, into those words. I craved S&M, but acknowledging the craving made me feel like a "pervert," a "freak." It contributed to my already-overwhelming fear that I was "broken" because I couldn't figure out how to come.

There's one thing I didn't mention when I poured out all that fear and shame: I experience rare vaginal pain -- not every time I have sex, not even most times, but occasionally. Medical science has traditionally failed to care about how women experience our sexuality, so very little research has been done on the subject. As a result, it's impossible to say why I get that pain. Is it some kind of physical problem? That seems likely, because my psychological comfort level with a sexual encounter doesn't seem to correlate with whether the pain happens or not. But because female sexuality is often stereotyped as too mysterious and emotional to be worth rigorous medical investigation, I doubt I'll ever know for sure.

For a while I was sure I was allergic to semen, because I read a magazine feature by a woman who said she was. *Aha,* I thought. I stopped taking hormonal birth control pills. I made my trusted monogamous boyfriends use condoms. The pain became less common. Yet throughout that time -- continuing through today -- I still get the pain occasionally, very occasionally. Sometimes I even feel the pain during encounters that lack vaginal penetration, so it's clearly not about having a penis in me.

I can push through the pain; I can even have an orgasm, a reflex that feels good yet is surrounded by not-good; but I can't get rid of the pain entirely. Whenever I think I'll never feel it again, it sneaks into some sexual encounter.

The semen allergy theory has been ruled out, since I get the pain without semen contact. That doesn't mean that hormonal birth control didn't have an effect, though -- the pain was definitely worse while I was taking it. The Pill intersects with sexuality in ways we still don't understand; one common side effect is that it reduces sex drive. Perhaps the Pill affected my sexuality in some physical-medical way, worsening the pain problem.

The long and the short of it is that I experience some vaginal pain; the pain is confusing

and hard to predict, and there aren't any good medical resources on the matter. Maybe the pain points to something unusual about my constitution. Maybe there's a reason it's harder for me to have orgasms than the "average" woman.

But the vaginal pain itself is not overwhelming, on the rare occasions that it crops up. And the vaginal pain is not even close to the most central issue of my sexuality -- or the biggest influence on my orgasmic ability.

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II. *S&M*

I identify my sexuality as BDSM -- a.k.a. kink, leather, fetish, S&M, or B&D. BDSM is a 6-for-4 acronym that encompasses a host of related activities, including bondage, discipline, dominance, submission, sadism and masochism. And yeah, I'm **really** into it: my desires are heavy and overwhelming; I dream of agony, of terrified screams for mercy. I've gone so far as to describe BDSM as my sexual orientation.

Before someone goes leaping to conclusions, there is a definite difference between "good pain" and "bad pain." The occasional pain I feel within my vagina is not good pain; it's not even interesting. It's just annoying. It's not sexy or enjoyable at all.

Some of us in the BDSM community have felt lifelong tendencies towards BDSM. We have conversations ending with thrilled exclamations: "You mean, you tied up your Barbie dolls as a child **too**?!" But BDSM is widely misunderstood and negatively stereotyped, and thus, many of us also went through periods of rejection. We've internalized so much anti-BDSM stigma from society that, at times, we freak out. We deny or erase our BDSM desires.

That's what happened to me when I was in middle school. As my sexuality made itself more and more evident, my anxiety peaked. I'd been producing secret sadomasochistic art and stories without labeling what I was doing, but I stopped. I blockaded my thoughts of violent power-play. I closed it all away as thoroughly as I could.

I still felt sexual desire -- I mean, I was entering my teens, so of course I did. Sometimes I felt so much desire, like in the middle of some inconvenient class, that I'd have to rest my burning forehead on the cold desk. I would close my eyes, and breathe deeply, and wait for the erotic shiver to pass. At home, I'd lie around my twin bed and dream about kisses; imagine men's hair and skin and touch.

Yet it was hard for me to trace my desire, to take control of it. I thought I had no problem with the idea of masturbation, but when I touched my own lady bits, I went cold. Vibrators did nothing but bore me.

I had excellent sex education, thank goodness. I went through a Unitarian Universalist sex education program that talked carefully about different experiences, that made space for gay and lesbian and bisexual and transgender and queer folks. I didn't only learn about sexually transmitted infections and pregnancy and condom usage; I was also encouraged to explore my sexuality, to value it. But this marvelous curriculum did not include BDSM and other non-standard sexual identities. Nor did it include much advice on how to negotiate sexual encounters with my partners. So, although I internalized many

positive and feminist messages about sex, my own sexuality remained invisible, bewildering and hard to talk about.

When I started having sex around my mid-teens, I liked it -- I liked it a lot -- but it seemed weirdly lacking. I'd never figured out how to masturbate, so I couldn't show my partners how to pleasure me. And although I occasionally suspected that I wanted something like S&M, I didn't understand how far I wanted to go.

A couple of teenage boyfriends tied me up... but then they acted solicitous and went down on me, which didn't send me over the moon (though it was fun). From this, I concluded that S&M was boring, but the truth is, I hadn't come close to the extremes that form my preferences. It was years later that I released my need for agony, tears, bruises and blood.

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III. *Frigid*

As I got older and had more sex, my apparent inability to orgasm became the most toxic secret I had. Most of my closest friends didn't know. For a while I thought I must be "frigid," and ripped myself apart over the idea that I was a "frigid bitch," even though that made no sense. It was ridiculous to conceptualize myself that way -- my sexual desire was undeniable, unavoidable. But I had no other words, no other images or stereotypes, that described a pre-orgasmic woman.

When I did tell my friends, it almost never went well. The best-case scenario was a conversation with anecdotal fragments: "I knew a girl," one friend advised, "who couldn't have orgasms. Then one day she was tripping, and having sex, and she fell asleep, and when she woke up she was having an orgasm."

I also found a book on my father's top shelf, written by a guy who said he could give "any" girl a squirting orgasm. The author claimed that the key was for the woman to be comfortable. He also claimed that the woman had to not know what he was trying to do. In fact, the book explicitly recommended that men prevent their girlfriends from reading it.

Needless to say, it was hard to extrapolate a Unified Orgasm Theory from these tales. The only things that seemed clear were that I somehow needed to both "let go" and to "keep trying." But how?

Every once in a while I made the mistake of telling someone who was convinced they knew the answer -- which was: sleep with **them**. When I got drunk with one sexually experienced male friend and asked for advice, he insisted that if I'd just fuck him I'd be sure to come. "Anytime you want," he slurred, "I'll give you an orgasm. Guaranteed!" The fact that I was not attracted to him was, in his view, unimportant.

Worse was my lesbian female friend who declared that I had "issues." She said that I ought to sleep with a woman. Ultimately, she turned out to be right that the problem was one of sexual identity, but she was wrong that I was a repressed bisexual. Her campaign to get me to sleep with her ended in a threesome with a guy I had a crush on. I liked bits of that evening, but most of it was boring -- if not distasteful. When I tried to talk to my

friend honestly about it later, she insisted that I loved the whole experience. She said that I was merely feeling morning-after guilt. "You were totally into it," she informed me. She was clearly smug with victory, but angry that I resisted her version of events. I felt resentful for years.

I didn't even tell my partners about my orgasm difficulties until I'd known them for a while, because my secret felt like such Restricted Information: I couldn't give it to anyone I didn't trust. I couldn't abide the idea of "everyone knowing" how broken I felt. I couldn't stand the combination of pity and fascination that my problem evoked in the few who knew.

When I did get around to telling my partners, that was most complicated of all. I was quite unpopular in high school, and so I was something of a late bloomer -- boyfriend-free until my late teens. It took years before I had any confidence in my boyfriend interactions. And because I had no idea how to come and no idea where to start and little idea of how to communicate about sex, I could not give guidance about what I wanted.

I also felt paranoid that lovers would resent me if they felt I was demanding something too "difficult" during the sexual "exchange," so I downplayed my feelings. I told awful lies like "it's not a big deal that I can't come" -- lies that broke my heart as I spoke them, but felt safer than the truth.

I did manage to have one orgasm in my teens -- one. I'm still not sure how it happened. It occurred one evening when I was incredibly tired, but went out with friends to get a fudge brownie sundae anyway. When I got back, my boyfriend came over and wanted to have sex, and I let it happen -- despite being tired and uninterested and full of sundae -- because I had not yet internalized the notion that my boyfriends wouldn't hate me if I denied them sex. I was barely present during the act, but I jolted into awareness when I realized I was having an orgasm. Afterwards, exhaustion overwhelmed me and I fell straight into sleep -- so deep that my boyfriend was unable to wake me.

This was puzzling and hard to analyze. What aspects of my singular orgasm should go into my Unified Theory... and which aspects were irrelevant?

The chocolate? Well, chocolate is arguably a mild drug, and drugs help some people come. Also, there were studies that found mild aphrodisiac qualities to chocolate. So maybe.

The position? The position had felt really good but was somewhat awkward, and I felt weird asking my boyfriend to reproduce it, so I didn't let myself think about the position. (I'm much better at communicating with my partners now.)

What about the exhaustion? It made sense that being very tired might help me "let go." But I hadn't been very turned on or enjoyed the rest of the encounter, mostly because I was so exhausted; and I didn't want to deliberately force myself to have sex while tired. So while the exhaustion might have been a factor, I filed it under "less-than-useful" as well.

I didn't worry about the problem too much for a while, because I figured that now that I'd had one orgasm, surely it would become easy. I didn't tell my boyfriend it had happened,

either, because I didn't know how to describe exactly how. I thought I'd figure it out as we went along, and then I would tell him exactly what it took.

Unfortunately, it wasn't that easy. Months and years passed without replicating the incident. Anxiety began seeping back. My Unified Orgasm Theory was not doing well.

My fear of being perceived as "demanding" during sex and relationships was at a ridiculous extreme back then. For example, I'd heard over and over that boys don't like girls who are "high-maintenance," so I told my boyfriends that I never wanted them to buy me flowers. I thought that men would feel relieved that they didn't "have to cater to me," but they were just puzzled. (One responded by buying me fake flowers.)

Because of the awful shaming stereotypes around cunnilingus, I sometimes refused that too. I couldn't believe that the boyfriends who were willing to go down on me were actually enthusiastic about it, enjoying it -- and when my anxiety became too painful, I inevitably stopped them. I always stopped them long before I stopped enjoying the act, because I was so scared that they hated it, and hated me for wanting it. I was scared that they resented me more and more, the longer they did it and I didn't come. My fear crept up my spine and twisted around my heart until I **had** to make them stop.

Sometimes I felt trapped between love and disgust, like with the boyfriend who constantly complimented me on how great in bed I was, but who seemed unaware of how much I felt missing. The worst was when he went off on a rhapsodic list of my wonderful qualities ending with: "... and I don't even have to worry about giving you an orgasm!" He didn't see the bind he was putting me in, the awful self-suppression and self-wounding that he encouraged. He seemed unaware that I heard him telling me: "You're great in bed because you are constantly disappearing your own needs, and never asking anything complicated of me!"

In fairness, I wasn't giving him any guidance on how to do better with me. In fairness, I had no idea what kind of guidance to give.

They had their own social programming, and I didn't communicate well. But sometimes I still have trouble forgiving my early boyfriends.

* * *

IV. *The Fight*

Not all my boyfriends were willing to do as little as going down on me. One, in particular, resisted very strongly; never did it at all. This was an especial problem because he was one of the men I've loved most in my life, and our relationship lasted for years. I think well of him when I think of anything other than sex. But when I remember having sex with him, I feel echoes of sick panic and heartbreak.

By the end, every time I slept with him I felt nothing but disgust.

He seemed to prove all my fears: that the men in my life would loathe and resent me if I tried to discuss my confusion and desperation; that they would loathe and resent me if I asked for help with my sexual needs. Towards the beginning of our relationship, I tried asking him (very timidly) to go down on me, and he simply refused. In later

conversations he insisted that cunnilingus was "too degrading," an assertion he made with a weird lack of irony, given that I was going down on him regularly.

As the years passed, my frustration deepened and I started thinking about experimenting more sexually, but I was terrified of mentioning it. I didn't know what I wanted to experiment with -- I really believed that I'd "already tried" BDSM, and that I didn't like it -- but his initial rejection of mere cunnilingus didn't make me feel confident.

Finally, I got to the point of directly asking for sexual experimentation, and we had the worst fight ever.

I recall that our relationship was somewhat rocky already. One of my journal entries from that time contains the sentence, "I can't seem to **not** make him angry when I'm trying to discuss our relationship." For this particular fight, we were sitting in his room reading when I scraped together my courage and asked for his help in figuring out my sexuality. "Well, what do you want me to do?" he demanded.

"I don't know," I said, "but I think there must be some way to find out -- I don't know, there have to be books?"

"That's **ridiculous**," he snapped. "I love you, but I'm not going to **read books** in order to figure out how to have sex with you."

It got worse from there. I was crying within the first few sentences. At one point, he outright shouted at me "I don't care about your satisfaction," at which point I said, "You can't mean that," and he repeated it. Eventually, I simply turned around and walked out of his room. I had nowhere to go; it was a long train ride to visit him, and the trains had stopped running that day. It was mid-winter, and freezing cold. Crying, I put on my coat and shoes and exited the house, onto his suburban street.

I walked completely at random. I was hardly able to see. Fortunately, because it was so cold, no one else was out and about. I muffled my sobs by bowing my head into my collar. After fifteen minutes, I discovered my cell phone in my pocket and tried to call my best friend, but she didn't answer. I was still walking around crying an hour later, when she returned the call.

She calmed me down and got the story out of me. It was the first she'd heard about my inability to orgasm, and she didn't know how to advise me because she didn't have the same problem. Also, it was obvious to both of us that trying to communicate with my boyfriend wasn't working. It was obvious that there might be no way to successfully communicate with him on this topic at all.

Eventually, after she'd managed to quiet me into a trembling jellylike mass, my friend said gently, "Okay, hon, you need to hang up and go back inside." She was right. So I did.

When I stepped back into my boyfriend's room, he was still reading. I could sense from the texture of our silence that he felt bad, though. I was exhausted, I felt like a stiff breeze would blow me apart, but I told myself that I had to set a line. I was sure my voice would waver as I made myself say: "If you're going to tell me that you don't care about my sexual satisfaction, then I can't do this anymore...."

"I never said that," he said softly.

I closed my eyes. He would do this sometimes, insist that he hadn't said words I was **sure** I'd heard, and it always made me feel like I had gone insane. I **knew** he'd said it. I'd even responded with, "You can't mean that," and then he'd **repeated** it. But I felt so tired. It had been hard enough to start the conversation. Hard enough to walk around the streets crying for hours.

Maybe I really did misunderstand him somehow; I've been over those moments in my head a million times, and I don't know anymore. Maybe I misunderstood. Or maybe he was falling into a classic pattern of emotional abusers. Maybe he insisted that I was hallucinating in order to confuse me out of protesting: abusers do these things because they work.

What I do know for sure is that when he halted the conversation with a flat denial, I couldn't bring myself to even try to talk about it again. Couldn't bring myself to resume the conversation. But I also couldn't bring myself to break up with someone I loved so much. We talked about other things instead.

And, of course, nothing about our sex life changed at all.

When my best friend called me the next day to check in, I said, "Well, he says that he didn't say what I thought he did."

Her silence echoed with disbelief.

"Maybe I just... didn't understand what he actually meant," I said, but my words sounded weak even to my own ears.

"Maybe," she said doubtfully, but she didn't press the issue.

Even after that fight, I continued dating that man for a long time. I look back now and I can't imagine how I did it.

* * *

V. ***Men's Perspective***

The gendered societal pressures that affect men are worth discussing, and worth analyzing, and I often do just that. There is undeniable pressure on men to "perform" sexually, for example. I try to have sympathy for men who feel this pressure -- but it is difficult sometimes, because its major effect on **my** life has been to silence me. To make me feel as though I couldn't ask for anything sexually. As though I couldn't express my needs without hurting my boyfriend's feelings or making him angry.

And even now, when I talk about this stuff, I am as vague as I possibly can be about the exact timeline. The last thing I want is for people who know me to read this and know exactly when I started having orgasms. I don't want anyone to know exactly which partners "couldn't perform." Because I know those men might feel it as a social punishment, and as much as I hate the dynamics at work, I can't hate the men who were part of them. They had their own social anxieties and their own blind spots and if I didn't understand what was wrong, how could they?

I recently had dinner with a former partner. At one point we found ourselves having a very explicit conversation, and I mentioned that I've figured out how to come. He looked sad and apologized: "I'm sorry I was never able to get you there." I had no idea what to say.

* * *

VI. *S&M, Redux*

I finally came into my BDSM identity around age 20. At first, when I was faced with the fact that I wanted to be hurt until I cried and begged for mercy, I freaked out. I had no idea what to do about BDSM, no idea how to feel about it. The only thing I knew for sure was that I'd found something I really **needed**. But what did that **mean** for me, when I was also trying hard to be an independent, rational feminist with self-esteem and integrity?

It took me years to parse out my thoughts on feminism and BDSM, to feel comfortable with BDSM, and to talk openly and comfortably about it. During that process, I got better and better at finding partners who were interested in my sexual desires and willing to experiment. I also got to the point of reading sexuality advice books on my own, including books specifically on BDSM. (For recommendations, please check the notes at the beginning of this book.)

And I gritted my teeth, forced down my anxiety, and looked into books about the female orgasm.

One book that came highly recommended from Amazon.com was Lonnie Barbach's *For Yourself.* By the time I was halfway through the first chapter, I was crying because what she wrote felt so true. At the end of the first chapter, I put it down and was never able to pick it up again. Barbach wrote compassionately about experiences very similar to mine -- for instance: *[Are you afraid to talk to your partner about your problem] because you're embarrassed to ask for what you want at a particular time; afraid your partner will refuse, get angry, or feel emasculated?*

But she also ended the first chapter this way: *You have to assume responsibility and be somewhat assertive. Our culture has taught us that a woman should depend on a man to take care of her, which means she can blame him for any mistakes. It's nice to be driven around in a car, but it's also nice to be able to drive yourself so you can go where you want to, when you want to. But to do that, you'd have to assume some responsibility.*

It was the same "let go" and "keep trying" advice I'd been coming across for years, except that now it was wrapped up in a nice package of assumptions about me: implications that I wasn't assuming responsibility or being assertive. I felt like she was telling me that I chose to depend on a man to take care of me.

Maybe it would have been okay if the rest of the chapter hadn't been so miserably true, but the combination of reading a bunch of truth about how I was feeling -- then being told that I wasn't trying hard enough, that I was choosing to avoid responsibility.... It was toxic.

I also had the bright idea of asking my gynecologist. The doctor rolled her eyes as I spoke, then told me that the problem was obviously my partners. When I insisted that I

needed more guidance, she referred me to a center that gave orgasmic dysfunction "evaluations" at $1,500.00 a pop. I was earning $7.50 per hour at the time. I didn't go.

I got up my nerve and talked to my mother, who had been extremely helpful and caring when I came out to her about BDSM. During the BDSM conversation, I'd been scared -- then I felt immense relief as Mom told me that there was nothing wrong with me, and reassured me that I wasn't "giving up my liberation." When it came to orgasms, though, she seemed unsure of what to say. She did at least tell me that she, too, couldn't come easily, which made me feel a little better.

Most helpful was the therapist I found on the Kink Aware Professionals list -- an online list of doctors, lawyers, and other professionals who believe they understand alternative sexualities such as BDSM. I tried one therapist who didn't seem to get it, but the second therapist I saw was wonderful. He helped me through an enormous amount of my BDSM anxiety. The orgasm problem was thornier, but he didn't make any assumptions, and he did listen carefully, which was more than most people did.

My therapist gently encouraged me to get a second opinion about my how my body worked, from a new gynecologist. Irrationally, I didn't. I suppose I still felt crushed by how the first gynecologist had reacted. I also hoped I'd learn to come as I explored BDSM more -- which turned out to be true.

* * *

VII. ***Figuring It Out***

In retrospect, I recognize that I went through a brief period where I had orgasms sometimes -- weak ones. But the orgasms were hard to hang on to because they happened during sex with my boyfriend. This would be the same boyfriend I described at the beginning of this piece, when I wrote: *now I have the best boyfriend I've ever had. but just like every other one, he can't get me off. big dick? oral sex? tons of foreplay? kink? it's all there.*

Now I see, in retrospect, that **not** everything was there: neither of us had questioned our sexual assumptions, our societally-determined sexual scripts. And one of the biggest sexual scripts is that sex ends with the man's orgasm. That the man's orgasm is the goal.

It's very hard to think around these scripts. It's very hard to even be aware of them. So, since my paramount goal during sex was obviously "satisfying my man," I often pushed my orgasm away due to my focus on him. I knew that if I came then I'd feel tired and less interested in sex (at least for a while). And obviously, if he were to have his all-important manly orgasm, I couldn't go falling asleep on him could I? I couldn't even pause to mentally process my sensations if he seemed to be enjoying himself, now could I? Plus, once he'd come, I certainly couldn't expect him to stimulate me any more than he already had, because he was tired; he'd just had an orgasm!

(These days, one of my #1 judgments of whether a new partner could be good for me is this: if I didn't come before he did, then does he take a moment post-orgasm to catch his breath, and then turn to me and smile and offer to do what it takes?)

In the end, figuring it out was almost anticlimactic.

I saw an online video from sex educator Betty Dodson called "Did I Orgasm?"... and I realized that I'd been occasionally having weak orgasms already. I was also experimenting more and more with BDSM; simultaneously, I put more and more power into the hands of my fantasy men; and once I had compelling private fantasies to feed on, I couldn't help masturbating. Here was the key: initially, I'd felt that masturbating **in itself** involved having too much control over the situation. And that's not how my sexuality worked.

Oh yes, **in practice** I take responsibility for my pleasure; and now I'm pretty good at clearly discussing what kind of role my partners will take ahead of time, describing what they'll do with me. These days, I sometimes take the dominant role, too. But even now, it's hard for me to come if I **feel like** I'm in control.

On some level, even if it's the most tissue-thin fantasy, I usually have to convince my emotional-sexual self that I'm not in charge. It helps if I have an emotional connection with whoever I'm fantasizing about, too. If I don't have an emotionally involved romantic partner, I seem to automatically create BDSM-themed fantasy worlds with hilariously ornate storylines. Years ago, it never occurred to me that I couldn't reach orgasm because my internal characters weren't compelling or my plotlines weren't dramatic enough... but sometimes it's true!

In my case, I believe that BDSM is the key to my sexuality. It is as close to the core of my sexual identity as I can get; close enough that, like some other BDSMers, I occasionally call it my "orientation." But I don't think BDSM is like that for everyone, and I don't even think that's the whole story with me -- because during the whole time, this self-discovery process, I was doing things like eating more regularly, keeping a healthier diet, putting some weight on my previously stick-thin frame, and exercising more. Health plays a big role in any kind of sex, and it's important to think about. Still, even now I can't come without some thread of dominance and submission, even if it's an entirely internal fantasy that I imprint on whatever is happening.

When women ask me for advice on how to have orgasms, I feel helpless because there is no "one true way." I don't want to fall back on the old "let go" and "keep trying" that I received -- it's decent advice, but it's so vague. Perhaps something more useful would be this: first, it really helps to have an idea of what you want. I know this can be hard in a society that soaks us with sexual images designed for stereotypical men, rather than images for women (and especially not for non-normative women like myself). And I feel so aware of how patronizing and useless the "you aren't in touch with your sexuality, that's why you can't come" argument can be. Remember, I had that argument used against me by my lesbian friend. But it was, in fact, kinda true for me -- just in a different way: I need BDSM.

If you're not sure what you want, don't panic. Just keep your eyes and ears open, and try to monitor your reactions. It may surprise you. If it does, don't worry -- just research it! No matter how unusual your sexuality, there is probably information on the Internet about it. (And even if your sexuality is unusual, odds are it's not nearly as unusual as you think it is.)

I often refer to my personal favorite sex education website in the entire world: it's

Scarleteen.com, a grassroots feminist effort with an amazingly comprehensive perspective. Scarleteen has an incredible impact on many, many lives. Sometimes I read it just for fun!

Secondly: it may help not to prioritize orgasms. I am not saying orgasms aren't important; I just don't want the importance of orgasms to wound you, the way it wounded me. For me, it is helpful to imagine sex as a journey. For me, it helps to focus on having fun throughout, instead of doing what it takes to reach the "goal" of orgasm. If you're not taking pleasure in the journey -- or at least indulging some curiosity -- then why keep going? Why not stop and try something else?

Experimenting sexually in an open-ended way has been, for me, the most productive possible attitude. And in fact, once I knew how to make myself come, I discovered that -- though it's helpful to be able to attain that release if I really want to -- orgasms aren't actually my favorite part of sex! There are lots of other things I like better.

It's also worth noting that our definitions of "orgasm" are fairly narrow. Some research indicates that there may be other ways to conceptualize orgasms than the stereotypical genital-focused approach.

Thirdly, although it's possible for a person to explore sexuality on her own, relationships can make or break the process. We all make some compromises for romance. But when we compromise, we should know **what** we're compromising, and **we should think about whether the compromise is worth it**.

For me, sexual exploration and satisfaction are incredibly important -- but it took ages to develop the courage to put my foot down about them. After my boyfriend shouted at me that he didn't care about my sexual satisfaction, it took me an embarrassingly long time to end things with him; I really was in love, and we'd been together for years. But my sexuality wasn't even close to a priority for him, and breaking up with him was one of the best decisions I ever made.

After ending that relationship, I was able to build my self-confidence and self-esteem with new boyfriends surprisingly fast -- and my boyfriends helped me more than they probably know. I owe countless small debts to men who accepted my inability to orgasm, took my anxieties about it into account, and sometimes gently pushed me to try new things.

One particular guy comes to mind: I told him I couldn't come, but that I wanted to experiment with S&M, so we arranged to buy rope and some painful equipment. During our conversation, he gently drew me out on my history, and then he said, "You know what I think we need to go along with this rope? A vibrator."

I blinked and said hesitantly, "I don't know, I've never really liked vibrators." But I was willing to try it again, and that's when I learned that vibrators are awesome. That's when I learned that what I really need is to convince myself I'm not in charge -- that once the correct fantasy is in place, vibrators make everything easy.

Even today, few things make me happier than a man who grasps the tension I still sometimes feel about "being demanding" or "asking for too much." I communicate with

straightforwardness that amazes most partners, but it's crucial for them to understand that I still have hesitations. That even I, sometimes, need a moment to articulate what I want -- or need to be asked whether there's anything he can do.

Lastly, and most importantly: don't let go of your boundaries unless you're sure you're ready. If you really don't want to do something, **you don't have to make yourself do it**. I'm writing this because when I was growing up, all the sex-positive work I read encouraged exploration at the cost of boundaries, and I think that's wrong. There were times when that attitude hurt me -- for example, I did things I didn't like because people claimed I hadn't yet gotten over my sexual "issues," like my lesbian friend in college. And I know that attitude has hurt other women, too.

I don't like seeing sex-positive feminism equated with making oneself freely sexually available. Exploring sexuality does not mean you have to ignore your warning bells.

Sexuality is so complicated. Sex cannot be reduced to bodies, or hormones, or psychological stereotypes. Sex cannot be reduced to certainties, to shoulds and shouldn'ts. If I could destroy every force in our lives that drives home ideas of sexual "normality," I would. Which leads to my final piece of advice: **don't let me tell you what to do**. This is just my experience, just my ideas. As with everything, I want you to do whatever feels right for you -- as long as it's among consenting adults.

* * *

VIII. ***Study Questions!***

Here are some things that might be interesting to reflect on:

1) What questions do you have about your orgasm?

1a) Where have you researched the answers to those questions?

1b) Have you ever discussed those questions with your partners?

2) What questions do you have about your partners' orgasms?

2a) Have you ever asked your partners about their orgasms?

3) What's one thing you wish you'd said in bed to a partner?

3a) What would have made it easier to say it?

4) What are your favorite sexual acts? Are there other ways you could perform them?

5) What's the best sexual experience you remember? What made it great?

6) What's the hottest thing you've seen or read? What made it great and are there ways you could participate?

7) Does anything from this article resonate with you? What?

* * *

Here is a tangential footnote on issues of manliness:

When this article was first posted, a guy grabbed the first comment on the version that I posted to the feminist blog *Feministe,* protesting that I clearly don't get the men's side of this equation. I don't usually get super angry about comments on the Internet, but in that case I did, and I had to take a while to calm down.

There was a mild comment fracas. Eventually, in response to that guy, I wrote:

I worked really hard on this article to try and note both:

A) how men's perspective might make this difficult for them, but simultaneously

B) why men's insecurities aren't actually an excuse for men to treat women badly.

In my experience women are actually extremely aware of men's insecurities. ***Women frequently silence themselves and put up with a lot of crap because we are afraid of "emasculating" our man, as I specifically noted in the article.***

Given that this was an article about:

1) a woman's experience,

2) and what it's like to be a woman,

3) and why this issue is difficult to take on as a woman,

4) and why women shouldn't allow men's insecurities to shut us up...

... can you see why I would avoid putting a lot of text towards describing men's insecurities in loving detail?

Now. With that having been said....

One of the guys in the Clarisse Thorn Manliness Brain Trust (tm) emailed me with some thoughts in the wake of this article. Once again, I want to emphasize that I don't want anyone to feel that they "ought to" give a crappy partner "another chance" if that partner is treating them badly. I spent **years** giving a terrible boyfriend millions of second chances because I kept telling myself that he was just "insecure." **Walking away from that oh-so-"insecure" man was one of the best choices I ever made.** Nonetheless, I think that the following comment from my Manliness Brain Trust (tm) friend might be useful for some people:

When I first saw this post, my first thought was that I have to pass it on to a couple of the people I'm involved with, who have difficulty reaching orgasm because it's an awesome, awesome article. My second thought was that it seemed like Clarisse didn't really grok the guy's side of this exchange.

Somewhere among 5th, 7th and 9th thoughts, was the notion that I'd be a jerk to raise that point in the comments. This article is a great reference for women working through difficult climax issues and there's no need to drag the conversation off to the guy side of the experience... So I sent Clarisse an email about it instead. Because the thing with Unification theories is that they're never all the way done. And things could have been so much easier for Clarisse if her boyfriends didn't suck. Maybe some insight into why they sucked would help with the ongoing development of the model, or at least provide some

eased management strategies.

The thing is, I don't feel attacked or diminished or anything else by this article. Despite the fact that I'm a guy, I have insecurities and I can in some places see a stupid, obnoxious mirror of myself in Clarisse's dumb ex boyfriends -- that isn't at all why I thought I should talk about the topic more with the author. It just seemed to me like Clarisse hadn't quite got her head around what the guys were going through with their side of this interaction. Where their insecurities came into play.

In my head, I see a young woman, working through her own issues with orgasms reading this, and seeing her young boyfriend reflected in Clarisse's past relationships. And the take away from Clarisse's experience at the moment seems to be that if your boyfriend is insecure and stupid, maybe he's not the right person to work through this with you. And I'm not sure that's doing anyone any favors. I mean shit, maybe that is what you should take away from reading this -- that the guy you're with isn't the right person for you right now if you're struggling with difficulty achieving orgasm. But maybe there are other stories going on as well. Maybe he's insecure about his role and his failings (or his body or whatever) and maybe he could be the right guy to work through this with you, if you're the right person to work through his insecurities with him?

And please, please don't take that to mean let things slide because you don't want to emasculate him. I'm not for a moment advocating putting up with nonsense because he's a guy with a precious male ego. But lots of guys, certainly including myself, have personal insecurities, about masculinity and about sexuality, and attached to the perceptions of masculinity in sexual situations. As a guy, we're all taught that real men don't give head -- or at least that it's a private thing that we don't admit too -- which is so fucking stupid, but is still really out there in heteronormative western male culture. We're all taught that getting a woman off is our job, and to be a good man, and a good lover, we have to get our partner off before we get off. I don't know a single sexually active guy who has never felt humiliated because he came too early, and too early is largely defined as before our partner gets off. And we're all taught that real men get their partners off with nothing but the awesomeness of our cocks. Hand jobs/digital penetration are fine for highschool or fore play -- but our image of a good man, and a desirable lover doesn't integrate with those things. We're coached by pop culture and porn to believe that the guy every woman wants is the one who sticks his cock in and makes her explode with joy from the very first thrust. And any time that doesn't happen, the guy is at fault.

And again, to stress my position here, I think all of those things are stupid, illogical nonsense. But those are the pressures that are on guys. And maybe, if the guy that you're with is struggling to work through your orgasm issues, maybe it's because he's so far under the weight of his own insecurities that he doesn't know how to cope with his own issues, and be a supportive partner to work through yours. But the thing about a good relationship, is that together you're stronger than the sum of your individualities. Maybe as a couple, you can work through his insecurities and your orgasm difficulties at the same time. Nobody's problems exist in a vacuum, and sometimes finding the support you need is easier if you just fix the support you already have.

I posted the comment in response to the other dude's *Feministe* comment, and there was some discussion afterwards -- including some guys saying that they never got any memo

about cunnilingus being "not manly."

Here's my wrap-up: sympathy is good. Trying to build a better relationship is good. And I understand that some people may have serious, important reasons that they can't or don't want to walk away from their romantic partner. (That's one of the things feminism has always worked towards: giving people many sources of support and safety nets, so people can leave abusive partners if necessary.) But. Seriously, if your partner sucks? Walking away is an option -- it's even an option, sometimes, when you think it's not an option. Just remember that.

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This post can be found on the Internet at:

http://clarissethorn.com/blog/2011/10/31/a-unified-theory-of-orgasm/

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BOUNDARIES:

[storytime] I'm Not Your Sex-Crazy Nympho Dreamgirl

This was originally published in 2011 on GoodMenProject.com, and it got a lot of attention. I think the feelings I outline in this piece are shared by a lot of people, and that they're one of the reasons people often get angry about porn. But as I said in "BDSM Can Be 'Love Sex' Too," I don't think restricting porn is the answer to these feelings. I think the answer is encouraging people to be honest, yet respectful and flexible about their desires. For many people, mainstream porn seems to function as sex education -- and that can be a real problem, because mainstream porn shows a very specific stereotype of sexuality. But if more people had better and more complete sex education, then more people would recognize that mainstream porn is a very limited and particular product, and they'd also recognize that most people aren't interested in actually enacting that style of sexuality. I also think porn probably receives an unfair portion of the blame in these debates. It's possible that the current ubiquity of porn is partly to blame for "sex-crazy nympho dreamgirl" anxieties, but there are plenty of other stereotype sources in our culture -- I wish that all the people who talk about banning porn would also talk about banning romantic comedies!

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I'm Not Your Sex-Crazy Nympho Dreamgirl

There's this cultural image of what it means to be female, and good in bed. The image includes being young and thin and cisgendered of course, and that can be problematic. But it also includes a lot of behavioral stuff: the way you squirm, the way you moan, being Super Excited about everything the guy wants to do, and Always Being Up for It -- whatever "It" is. When people think about "good in bed," for a woman, that's often what they think.

Here's a short list of some things I think are totally awesome:

+ Squirming and moaning during sex in a genuine way, out of genuine pleasure!

+ Acting Super Excited when your partner wants to do something you're actually Super Excited about!

+ Being up for sexual experimentation and trying new things, while keeping track of your boundaries and saying no (or calling your safeword) to sexual things you really don't like!

Those things are great. They're great when they happen in all kinds of sex, and I have no problem with how people experience or deal with with those things -- whether people get them from vanilla or S&M sex, or porn, or sex with multiple people, or queer sex, or whatever. All consensual sex is fine with me. (In particular, in pieces like the one you're about to read, I often have to make it really clear that I'm not anti-porn. OK? I'm not anti-porn. Got that? Say it with me now: Clarisse Thorn is not anti-porn. Yay, it rhymes!)

What scares me, however--what continuously gets my goat, what still occasionally makes me feel weird about sex -- is how easy it is to **perform** those three things I listed above. Because I have always, since before I even started having sex, known exactly **what I was supposed to look like** while I had sex. I don't even know how I internalized those images: some of them through porn, I suppose, or art or erotica or what have you; some of them by reading sex tips on the Internet or hearing the ones whispered to me by friends. But I can definitely assure you that before I had any actual sexual partners, I knew how to give a good blowjob. I also knew how to tilt my head back and moan, and I knew how to twist my body, and I knew what my reactions and expressions were supposed to look and sound like -- I knew all those things much better than I knew what would make me react.

There was a while there, where my sexuality was mostly performance: an image, an act, a shell that I created because I knew it was hot for my partners. I'm not saying I was performing 100% of the time -- but certainly, when I was just starting to have sex, that's mostly what it was. And, scarily, I can put the shell back on at any time. Sometimes it's hard to resist, because I know men will **reward** me for it, emotionally, with affection and praise. It's much, much more difficult to get what I actually want out of a sexual interaction than it is for me to create that sexy dreamgirl shell: hard for me to communicate my desires, hard for me to know what I'm thinking, hard for me to set boundaries.

And hard to believe that a guy will like me as much, if I try to be honest about what I want. Honesty means that sometimes I'm confused, and sometimes we have to Talk About It; honesty means that sometimes I say no, it means that sometimes I'm not Up For It. Something in me is always asking: *Surely he'd prefer the sexy, fake, plastic dreamgirl shell?* It's not true, I know it's not true, I swear it's not true -- I don't have such a low opinion of men as that. I know this is just a stereotype, the idea that men are emotionally stunted horndogs with no interest in how their partners feel.

So sometimes, I have to fight myself not to perform. But it's worth it -- because the hardest thing of all is feeling locked into an inauthentic sexuality. I tell myself, I try to

force myself to believe it: even **if** a guy would like me more for faking and holding back and being so-called "low-maintenance" -- I tell myself it's a stereotype, but even if that stereotype is true of some men -- **no man is worth doing that to myself**. No man is worth that trapped, false, sick feeling.

* * *

Being a sex and S&M writer sometimes increases my performance anxiety. Occasionally I'll meet guys who seem to think I am equipped to give any man the Night Of His Life -- and that this is my goal at all times. Sometimes I feel like I should grab certain guys by the shoulders and shake them and say, "**I am not your sex-crazy nympho dreamgirl!** I'm a real person and I have real preferences, I do not exist just as your fantasy fodder!" But if I really like a guy and he's read some of my work, then I feel less irritation than concern that I won't stack up. It increases the urge to go all Sexy Dreamgirl Shell, rather than attempting to communicate.

Being a sex-positive feminist, I also sometimes worry that other women will read my work and it will increase **their** performance anxiety. I worry that writing about some stuff I like will be misinterpreted -- that it will lead other women to feel like, *gosh, is this something liberated sex-positive women do? Is this something I "should" be doing?* With some things I write, I get afraid that I've contributed to a nightmare world where women are "liberated" **only in the sense that we can better perform for men**.

I once read a blog post by a radical feminist writer in which she claimed that women always hate fellatio because it's always degrading and disgusting. She wrote something along the lines of, "I say this for the women and girls who believe that they have to do it." Part of me felt frustrated by the way she refused to acknowledge that some women really do **like** performing fellatio (and many other women don't love it, but don't mind doing it as long as they have great sex otherwise). In some ways, it felt like that writer was policing sexuality. But I empathized with her goal: She wanted women who don't like fellatio to relax; she wanted to help them recognize what they don't like. She wanted to decrease their performance anxiety.

I'd like to do the same thing, but I generally prefer to speak from personal experience rather than making claims about others' experience. Accordingly, I've often thought that it would be great if more sex-positive feminists would make lists of Things We, Personally, Don't Like. It's not the easiest project to sell, because one of the big goals of being sex-positive is to destigmatize sexuality and decrease shame. But if we destigmatize sexuality without encouraging good boundaries, then we're not moving forward; we're just creating more bad standards.

So hey, here's an example of a common sexual thing that I don't like: swallowing after giving oral sex. I love fellatio most of the time, and I like it when partners come in my mouth, but I really hate swallowing. In the past I've found a variety of creative ways to deal with this problem, some of which were hot (according to me, anyway) -- but usually I just spit it out in the closest sink. (The reason I don't like swallowing is that it makes me physically ill. No, I am not interested in your armchair theories about why this happens; evidence so far implies a physical cause, not a psychological one.)

A more complicated example would be facials. As a sex-crazy nympho dreamgirl, I am supposed to love all facials all the time, to which I say: Bah. I'm occasionally into degradation scenes, and facials feel really degrading to me, so there are circumstances in which a guy can come on my face and it'll be hot -- but those circumstances are rare. I've got to **really** respect him and **really** trust him, and I've got to be really turned on and excited about whatever scene we're playing out. And if a guy were to give me a facial without clearing it with me at some point ahead of time? Serious boundary violation. Not cool.

Have I destroyed your image of me as your sex-crazy nympho dreamgirl? Good.

I think that people of all genders receive a lot of unconscious training about how we can damage ourselves in exchange for the attention of the opposite sex. By writing about my own experience, I don't mean to discount the experiences of others. I get that many guys feel locked into acting confident and dominant, and that lots of guys hate that role as much as I hate my Sexy Dreamgirl Shell. I get that many women genuinely enjoy **reclaiming** the Sexy Dreamgirl image, and making it their own; hell, I do it myself sometimes. (Yes, I do it myself sometimes. Sex is complicated.)

People **of all genders** have a hard time figuring out what turns them on. Authenticity is hard -- and sexual authenticity gets harder when you're feeling low, or you really like someone and really want that person to like you, or when you feel bombarded with messages about how you've got to "compete" in a harsh sexual "marketplace." I believe that one of the best ways to authenticity is to seek understanding of the pressures on everyone, and to grasp that everyone's got their own nightmare of the Sexy Dreamgirl Shell.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/05/27/im-not-your-sex-crazy-nympho-dreamgirl/

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BOUNDARIES:

[storytime] Orgasms Aren't My Favorite Part Of Sex, and My Chastity Urge

These two articles were both written and published at OffOurChests.com after I published "A Unified Theory of Orgasm." The first was a followup to "A Unified Theory of Orgasm," and the second wasn't, but when I reviewed the two articles later, I concluded that they deal with fundamentally the same issues and belong together.

Interestingly, when I posted this to my blog, most of the comments didn't come from women; they came from men who agreed that orgasms aren't their favorite part of sex, either.

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Orgasms Aren't My Favorite Part Of Sex, and My Chastity Urge

My previous piece "A Unified Theory of Orgasm" was really well-received, and a lot of people have thanked me for writing it. As always, though, there's some mixed feedback too. And I've been worried about one thing in particular: it seems like a lot of people missed the part in my article where I said that, now that I've learned how to have orgasms... **orgasms aren't even my favorite part of sex**. It's a long article, and I can see how people would miss that, but I did say it and I think it's important.

It may be ironic that I spent so much time feeling terrible and broken and depressed because I couldn't figure out how to have orgasms... whereas now I prefer not to focus on them. In fact, **I estimate that *most* of my current sexual encounters don't include my orgasm, and *very few* of my most pleasurable sexual encounters have included my orgasm**.

I'm the first to admit that I don't know everything about sex, and there's a lot that I haven't experienced. Anything might change. But seriously. The best sex I've had in my life has been connective and emotional and, for me personally, has frequently involved intense BDSM. My favorite sex so far? Has also mostly been orgasm-free.

Some people in some sex-related communities have asserted that for maximum amorous power, it's actually best to limit one's orgasms, because then the contained sexual energy ends up channeling into a deeper connection with one's partner. I can see that. For me, another way of thinking about it is that I'm really into being teased -- and I'd rather experience hours of being teased without an orgasm, than have a quick encounter that ends in orgasm.

And.... (Oh no, I can already tell this is going to get complicated... but hey, sex is complicated, so I'll give it a shot.).... Especially when I'm doing BDSM, it can actually be hot sometimes if I don't have an orgasm. For example: if I go to sleep so turned on that I can't dream about anything but my partner, and then I wake up in a damp mess, and then my partner makes my life difficult all morning, it's pretty awesome. (Although it's very nice that I know how to give myself orgasms now, because that means that if I'm really feeling overwhelmed by my own sexual energy, I know how to give myself release if I have to. You know, like... if I need to get some work done.)

Aaaaand... here's the most painful, ridiculous, circular irony of all. Ready? Here goes: now that I'm capable of having orgasms, I've found myself occasionally having orgasms **only to satisfy my partner**. How absurd is that? Plus, I know I'm not alone, because I've talked to other women who do the same thing!

I've written before that in the past I've felt trapped by fake plastic ideas of "what hot girls look like during sex"; I've written about how the pressure to "perform" my sexuality can hurt. What has amazed me, as I've gotten older, is just how pervasive that pressure can feel with some partners... and how little pressure there is with other partners. The question of how to create a low-pressure environment for sexuality to flourish is big and complicated, so let me just say here that although I'm all about people giving each other orgasms... it's no good if my partner's desire to give me an orgasm turns into pressure for

me to have an orgasm!

Scarleteen, my favorite sex education site, has a great article about "squirting" orgasms and how some women feel pressured to "squirt" for the sake of the sexual "novelty." On a similar note, I'll close this post with an anecdote about a guy I dated a while back who was very focused on giving me orgasms. To his credit, he figured out how to make me come very quickly. But the problem was that -- I soon realized -- **the biggest reason he wanted to make me come was because he wanted to feel like he could**. Fundamentally, it wasn't about my pleasure; it was about him feeling like "the man."

Let me be clear: he was a great guy, and I was into having sex with him. But it became very obvious to me that if I didn't have an orgasm every time we had sex, then he would be really bothered. So there were definitely a few encounters where, although I wasn't especially interested in having an orgasm, I still closed my eyes and flicked through fantasies with a kind of panic... until I managed to kick-start my body into coming. Isn't that messed up?

One thing I've learned, in years of writing about sex and gender, is that anything -- anything at all -- can be a tool for limiting or stifling sexuality... just as much as it can be a tool for releasing sexuality. Turns out, orgasms are no exception. Even orgasms can become a difficult duty. **I'm so glad that I know how to have an orgasm now; for me, that was an important step for my sexuality and my self-esteem. But now that I've learned how to do that, I find myself questioning why it's such an important and destructive issue in the first place!**

Sex is a journey. There are so many directions, so many forks in the road, so many stops along the way. There are so many speedbumps and roadblocks, uphills and downhills, free and easy open stretches. Sometimes people stop to rest. Sometimes people double back. Everything is evolving. A lot of people find it most awesome to simply... enjoy the road.

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When I was in my late teens, I had a couple straight lady friends who did this thing where they took a year of chastity... although they had already had a fair amount of sex. It wasn't that they thought sex was bad. It wasn't that they especially disliked sex. It wasn't that they regretted choosing to have sex previously. But these women felt powerfully drawn towards taking a year away from sex, a year where no sex happened in their lives... and I instinctively understood **because I felt the same urge**. In fact, I came up with the idea of deliberately taking a year of chastity on my own, before I heard that anyone else was doing it.

I'm not telling you this because I want to sound like one of the "cool kids"; I'm not trying to say anything like, "I was into chastity when it was underground!" As it happened, I never actually went through with my chastity urge. But I thought about it a lot, and I thought about the fact that other girls I knew were doing it. We didn't have backgrounds that one would normally consider anti-sex. We had liberal backgrounds, liberal parents, liberal educations. Why were we so attracted to the idea of taking a year without sex?

I thought about it a lot, and I concluded this: **We felt like we didn't own our sexuality**.

We felt like our sexuality wasn't for us. Or at least, that's how I felt.

Even though on the surface it looked like I was totally in charge of my sexual decisions, there were social pressures and expectations that made me feel overwhelmed and confused. Not always, and not all the time! But enough that there were plenty of times that I just felt like all I wanted to do was **stop** and be done with it... "take my body back" from a world that seemed intent on constantly telling me how I must look, how I must dress, how I must have sex.

I've written about how much easier it was for me to learn how I ought to look and "perform" while having sex, than it was for me to learn what I actually wanted from sex. That, I think, is where the chastity urge came from for me. That, and the way I kept finding myself making out with guys who I had zero interest in because it was "too awkward to say no." Or the way I didn't feel like I could decide not to have sex with my boyfriends; not because I didn't think my boyfriend would listen if I said no, but because his potentially hurt feelings seemed so much more important than my bodily preferences.

So many things about the way I was having sex seemed to have nothing to do with me. And if sex had nothing to do with me... then why was I doing it? I guess I wanted to reassure myself that I could take control of at least one thing: saying no.

Eventually, I got a better handle on my sexual preferences and began to learn how to talk about them. It was a long process, and my sexual journey is far from over (yay!). There were people who showed me what it meant to have a low-pressure sexual relationship; there were people who made it easy for me to talk about sex; and there were other people who made it easy for me to turn them down, sexually, which was just as important.

But one interesting thing during the beginning of my learning process... especially given that I now really emphasize and encourage talking directly about sex... was that I felt like a couple of my boyfriends really, really didn't want to talk about sex. And while sometimes this was clearly terrible and toxic, sometimes it felt good. It felt safe. I wanted to be sexual, but I also felt so much pressure to be sexual that it sometimes felt like a huge relief to just... "not worry about it."

In retrospect, though, I think that the "safety" I felt when I didn't talk about sex with certain partners was a mirage. It was a false safety, sustained by a carefully crafted mutual fiction of the relationship. When we ended up talking about sex later, "giving up that safety" just made the conversation unnecessarily scary and weird. And the independent illusions we each had about our sexual relationship flourished and grew strong within our silence. Those illusions were so much harder to release after months of self-reinforcement than they would have been if we'd dragged them into the light from the beginning!

Occasionally, I wonder how it would have felt if I'd taken that deliberate year of chastity. I wonder which of my early experiences would have changed; I wonder whether a year of chastity would have made me feel more comfortable with my sexuality sooner. I'm very happy with how I feel sexually now. I sometimes feel confused or overwhelmed, but I think I'm okay at handling that and even talking about it. Yet I do wonder how it would have felt to draw such a strong boundary; to say such a strong "No" to the world and its

messed-up sexual expectations.

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This post can be found on the Internet at:

http://clarissethorn.com/blog/2012/02/02/orgasms-arent-my-favorite-part-of-sex-and-my-chastity-urge/

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BOUNDARIES:

[theory] Anger, Fear and Pain

I wrote this post in late 2010. The comments on the online version are especially good, with a lot of people sharing their own experience of these emotions in S&M encounters. So if you have an interest in the topic, this is a good post to review online.

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Anger, Fear and Pain

I like pain. I like submission. What do these things actually mean, though? I don't like it when I stub my toe, for example, and there are quite a lot of authoritarian situations I don't like either. My emotional reactions, in particular, can get really complicated. So I need more precise words than "I like pain" and "I like submission."

This is not a new problem, and around the BDSM subculture there are more precise terms that are frequently used. But when I was first exploring BDSM and didn't yet have access to the community, I started coming up with my own vocabulary for what I liked and what I didn't like. The primary words I came up with -- words that I still use a lot in my own head, and that I sometimes try to explain to my partners -- were "clean" pain and "dirty" pain.

I think of some pain as "clean" because even if it's intense, I usually... like it. (For lack of a better word.) This is the kind of pain I fantasize about when I'm really craving BDSM. There are certain places on my body that take pain more cleanly -- my upper arms, most of my back, my thighs. There are certain types of pain that are inherently more clean -- needles come to mind. Wide, deep, blunt bites are good too. Heavy whips made of weighty materials, like suede. Pulling my hair right above the nape of my neck.

On the other hand, I think of some pain as "dirty" because it's... harder to take. I don't think of it as dirty because I see it as scandalous or perverse -- rather, dirty pain is complex and hard to process. I never fantasize about it. Pain where my bones are close to the surface of my skin, like my collarbone, is dirty. Pain on top of scars is dirty. Pinches and small, narrow bites are dirty. Pulling my hair anywhere besides the nape of my neck is dirty. Electric shocks are extremely dirty.

But this whole "clean" and "dirty" thing, it doesn't make any sense outside my own body, my own head. It's hard to explain it. It helps that the BDSM community tends to frame pain in terms of techniques and less-subjective adjectives, using words like "sharp" or "sting" or "thud." (A lot of people think of "sharp" and "sting" as the same sensation. I usually separate them a bit more, but I'm not sure how many other people separate them.)

The BDSM and polyamory writer Franklin Veaux defines "thud" as "sensation of heavy, dull impact" and defines "sting" as "sensation of quick, sharp pain." These words are most often applied to floggers (implements for hitting people, e.g.: "this is a thuddy flogger"), but sometimes the words are used for other things too. I've found that I generally prefer thuddy-type pain, for example, but it took me a long time to figure that out, because there are so many specific sharp sensations that I love.

Okay. Now for emotions. This is the really hard part.

A while back I got an anonymous comment on my coming-out story that I absolutely love. Here's a quotation from the comment:

When it came to it, very little about the reality [of BDSM] matched my fantasies. Oh, sometimes what we did matched the way a real-life even can match a fantasy. There were moments that were... Transcendental.

But there were many more moments that... were deeply, deeply conflicted. I NEVER expected to feel that much... anger... toward someone dominating me and inflicting pain. I expected it to be a relief. I didn't expect to wrestle with hatred.

He liked to slap my face. Everytime he did it I would feel this burst of pure hatred. At one point he asked if I liked it. I said, "No. I hate it. But I don't want you to stop doing it."

I can't remember right now if any other "coming out" story I've ever read included such a visceral description of anger. Of course, I think the last time I read one I hadn't experienced it myself. Maybe I never noticed it before, but noticed it this time because it resonated with me. But mostly I remember those stories mentioning fear, shame, worry, and embarrassment.

The events in my coming-out story took place years ago, and my feelings about BDSM are really different now. I remember that I was conflicted, furious, resentful. But at the same time, I have often thought that much of my anger and resentment was due to the fact that Richard -- my first intense BDSM partner -- was not emotionally available. I needed support that he didn't give me. (To some extent because neither he nor I recognized how much support I needed.) And, of course, much of that anger was due to the fact that I couldn't deal with BDSM. I was fighting back against my sexuality, and felt unable to take ownership of it.

As I settled my feelings and reconciled myself to my sexual identity, my emotional reactions became a whole different ball game. (It helped that I dated a string of men who were more emotionally available and assisted me with emotional processing, too.) It turned out that the rage that I had suspected was inextricable from BDSM was, in fact, entirely possible to separate. I entered a stage where I learned how to avoid that anger. To work around it. I learned to sink myself into fear and desperation, which I love, and

which are easier to work with.

I experimented with different types of submissive play. One thing I've learned is that it's almost impossible for me to feel submissive unless someone hurts me. (There have been exceptions, but they were definitely exceptional.) The BDSM community has lots of jargon for interpersonal emotional encounters, but those words usually describe actions or scenarios rather than feelings, like "public humiliation" or "domestic servitude" or "sexual slavery." So I had to learn which emotions are associated with which actions, and that's complicated too, though some things are just obvious. Some people really get off on public humiliation, for example, but that's a strong and instinctive limit for me because it makes me extraordinarily angry. (There have been exceptions, but they were definitely exceptional.)

I got better at calling out my safeword when I had to. Yes, I think it's hard to use a safeword, especially when you're new... for all kinds of reasons: you don't want to disappoint your partner, and sometimes it's hard to realize that you need to safeword, because it's very difficult to keep track of how you're feeling in the moment... but I also think that calling a safeword when you need to stop is a skill that you can get better at, much like other kinds of boundary-setting. So I became fairly practiced at calling my safeword when I needed to. If I started feeling very angry, I got good at halting the encounter, or shifting the emphasis to something else instead.

As I gained a more precise understanding of my physical reactions -- clean pain and dirty pain -- I figured out that there are differences in emotional reactions, too. Loosely speaking: clean pain makes me feel afraid and submissive, whereas dirty pain makes me mad. (Though this isn't always true. I hate spanking, for example; it irritates me; but it's pretty clean pain. And it might be worth noting how much I hate tickling... but that doesn't hurt.)

If the dirty pain is hard or unexpected enough, I can't seem to control lashing out. I fight back without even thinking about it (which often functions just fine as a way of renegotiating the encounter, in itself, without safewording). If it's mild? I just get annoyed. But if it's intense... I don't just struggle, I attack. I leave marks on my partners.

I learned to avoid dirty pain, usually. I learned to circumvent anger, usually. I had once seen anger, and dirty pain, as maybe being an unavoidable cost of BDSM. I once suspected that I might never be able to have a BDSM relationship where I didn't feel anger, where I didn't feel pain that I didn't want. I was wrong. Those things aren't unavoidable costs. They can be worked around.

But now.... Yes, now! We've reached the part of the entry where Clarisse makes statements about her current self and potential future actions that may or may not be true and should be treated with caution, because she is an evolving and complicated human...!

Now that I've built up all these frameworks, I've had a few encounters lately where I felt... a lot of anger. Sometimes connected to dirty pain; sometimes not. And I didn't stop. I watched how I was feeling and I dealt with it while it was happening, and it was... worth watching. It was hard to take, oh, it was so hard to take. But it was also intense and fascinating.

I've heard from a few other BDSM submissives that they like feeling anger during their encounters, that they need anger in order to get where they want to go.

If I follow the thread of anger, now....

Where will it take me?

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This post can be found on the Internet at:

http://clarissethorn.com/blog/2010/12/26/anger-fear-and-pain/

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EVOLUTION:

[theory] Sexual Openness: Two Ways To Encourage It

This was written in 2010, and it amazes me how I've changed since then.

I don't like to talk about people being "further along" in their sexual experimentation than others; people are simply in different places, based on their preferences and experiences. I look at this piece now and I think that maybe it would be better-written if I'd tried to talk about sexual evolution in a more neutral way. However, it's undeniable that when I was younger, I often felt like I was somehow "held up" or "inhibited," and I no longer feel that way about sex. And I do think that in general, lots of people want to explore but aren't sure how to overcome their own hesitance and psychological blocks. Some of them even write to me for advice, and I can only tell them what worked for me: the approach I outlined in this post.

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Sexual Openness: Two Ways To Encourage It

I've been thinking a lot lately about the factors that went into my sexual evolution. People have always seen me as sexually open-minded, and I had an extraordinarily liberal upbringing... but at the same time, I think I spent a long time surprisingly buttoned-up.

Part of it was the men I fell in love with, the partners I had. Monogamy felt right to me, and that effectively meant that once I was in a relationship, it was hard to explore sexuality beyond what my lovers were comfortable with. I've often looked back in frustration at sexual shame and inhibitions that I feel were imposed on me by some past partners. But at the same time, **there's no denying that -- even when my partners were relatively inhibited -- I was with those men partly because I felt comfortable with them**. I recall conversations in which I felt frustrated at a lover's unwillingness to explore or discuss certain things... but I also recall times when I felt relieved that they were willing to leave those things alone.

How did I evolve through that balance and come into the place where I am today, where my sexual boundaries have shifted dramatically? I'm up for trying things just to see what they're like; I routinely have fantasies that would have appalled me in my teens; and I routinely have orgasms as well.... But why is it that, for example, I'm very interested in having multiple partners now, but wasn't at all interested a few years ago? Why did I initially swear I'd never wear a collar, then end up associating collars with profound sexual love? How is it that I initially considered myself solely a submissive but later transitioned into an enthusiastic switch (i.e., both a sub and a domme)?

Here are the **two factors that, I think, facilitate sexual evolution and openness**:

1) ***A pressure-free environment***

This is key! A person **can** be pressured into sexual exploration, but in my experience it won't "take." Many people (though not all) who feel pressure react by becoming defensive and unwilling to change; even if they do try the experiment, they're less likely to enjoy it. And someone who has a bad sexual experience will often have trouble enjoying that kind of sex in the future.

Take me, for example -- there were a lot of reasons why I felt less willing to experiment with polyamory (multiple relationships) when I was 20, but one of the big ones is that I felt lots of **pressure** to be poly. Because I ran in highly "alternative" social circles, I was meeting "polyvangelists" who argued that polyamory is the "best" kind of relationship and that anyone who doesn't want to try poly is just being selfish or close-minded. **General social pressure exerts an influence, so it helps to have open-minded friends who accept different forms of consensual sexuality** -- which doesn't just mean that "vanilla" people would do well to accept those of us who are "non-standard," but also means that even people in "alternative" circles have to accept "mainstream" sexuality.

But in my experience, the actual **sexual relationships are the most relevant aspect of life that must be sexually pressure-free**. They're also one of the most difficult, especially when the stakes are high: if one or both parties are helplessly in love, if they are married, if they have children, if they live together... then it becomes very hard to make the relationship pressure-free. A husband who is afraid that his wife might leave him is more likely to do sexual things for her that make him uncomfortable because he wants her to stay, for example -- even if she doesn't ask him to. A girl who is totally in love with her boyfriend is more likely to acquiesce to sex that she's not really into, because of course she wants to please him -- but she is simultaneously unlikely to tell him outright that she's not into it.

And then there's the fact that what feels like "pressure" for each person will be different depending on that person's triggers, the relationship, and the time in their life. Today, I feel totally comfortable setting limits and clearly telling my partner "no" if he asks me to do something I don't want to do... but it wasn't so long ago that I'd feel anxiety-inducing pressure to do something if my boyfriend merely mentioned that he liked it. Which brings me to my next point: **there's a fine line between sharing and pressure**. One must be careful when bringing up one's own preferences and desires -- which isn't to say one shouldn't bring them up! Merely that it's important to recognize that these are difficult topics, and when we discuss them with people we love or admire, there's lots of potential

for accidental anxious pressure.

Okay, I'm talking pretty theoretically, right? So here's some actual concrete advice on how to avoid imposing sexual pressure:

* **Don't demand that people explain their preferences**. A person doesn't have to explain, examine, or "figure out" why they're gay, straight, kinky, polyamorous, or whatever if they don't want to. Even your sexual partner doesn't have to explain why they don't want to do something if they don't want to.

In fact, it may be very helpful if you merely make it clear that your partner doesn't have to explain from the beginning -- because they may feel as if they ought to, even if you don't ask. I so clearly remember an encounter I had a few years ago in which my partner asked what I was up for and I said, hesitantly, "Well, I'm not really up for sex tonight... I can't really explain it, I --" and he held up his hand. "You don't have to explain it," he said -- and I was totally shocked at the gratitude, relief and comfort that poured through me.

I later felt proud and thrilled to "pay it forward" when I had my first serious encounter as a dominant. Towards the end of the encounter, I asked, "Do you want me?" and my submissive stiffened, saying awkwardly, "Yes, I do, but... I don't want to have sex so soon, it's just one of my own boundaries, I --" and I saw how much the words were costing him. Saw the same anxiety I'd felt once. And immediately I covered his mouth and said, "Shh, it's fine, you don't have to explain it," and I saw him relax with the same terrible relief I'd once felt. And then we made out for many hours and it was unbelievably awesome.

... Of course, **sometimes people will want to examine their own preferences, which is obviously fine**! But if your partner or friend is examining for their own mental well-being, that's very different from demanding that they examine to satisfy you. Bottom line: they don't owe you an explanation, and asking for one may just make them tense up and feel totally unsexy in all ways.

* **Express preferences gently**. I once attended an incredible BDSM workshop by the author Laura Antoniou in which she offered an outline for bringing up your filthiest, scariest fantasy with your partner: "Buy ice cream. Sit down at the kitchen table and describe your fantasy. Then say, 'Don't say anything now. I'll give you some time to think about it -- now let's eat this ice cream and maybe go out for a movie.'" I love this advice because (a) everyone gets ice cream and (b) it's so perfect for lowering tension. And as Laura said, "The worst thing that can happen is that they're not into it."

[Editor's Note: since writing this post, Clarisse went vegan, and she recommends eating that frozen Coconut Bliss stuff instead of ice cream. The chocolate flavor is absurdly delicious.]

It's important to emphasize from the start: "This is something I'm interested it, but it's not a requirement and I don't want you to do it if you're not into it." In fact, it might help to begin by saying those exact words.

And if your partner doesn't want to do something now, it's often worth giving time for them to grow into the idea. Perhaps by exploring other sexual angles, they'll come around

to yours. I remember that when I was in my late teens, one boyfriend asked me if I'd be up for a certain kind of sex, and I refused. (He asked very gently, and didn't pressure me when I said no, which made me feel much safer and happier with him!) At the time I couldn't imagine ever wanting to do it. Then a few years later -- after I'd gained a lot more sexual experience -- I ended up asking my boyfriend to try it! I'm convinced that if my previous partner had pressured me, I wouldn't have come around to it so easily years later -- and if he and I had still been together, then maybe we would have even done it together.

... But of course, the difficult part here is that sexual needs are important, and can't be put on the back burner indefinitely. If you have sexual needs that are being routinely ignored -- or can't be fulfilled -- by your partner, then it's obviously not desirable to keep gently saying, "Don't worry, I can do without this." Still, I think that if you're approaching ultimatum territory -- for example, if you are tempted to say that "If you can't satisfy this need, then I need an open relationship so I can find someone who can, or else we have to break up" -- then it's best to at least state the ultimatum gently, emphasize that you care about your partner and this is difficult, and steel yourself to act quickly in case you have to go through with your ultimatum. And, of course, to understand that this could make sexuality with your partner more difficult if you keep trying to date through ultimatum territory.

Sadly, **sexual pressure can sometimes be simply unavoidable. Sometimes the best we can do is be gentle, understanding, and prepared to face the consequences.**

2) ***Exposure to new conceptions of sexuality, sexual mentors, and sex education***

Many gay people say they're "wired" for a certain approach to sexuality, but there's also others, such as some BDSMers, who consider ourselves to be innately kinky. And we often say that we would have come to those sexual conclusions and practices whether we had examples before us, or not. (Even so, it's really helpful to have a community sharing tips and emotional support, especially when it comes to alternative sexuality. It might seem like sex will come naturally and obviously, but sometimes non-obvious things can really trip you up!)

Still, there are lots of sexual ideas are worth exploring and wouldn't necessarily occur to us if we didn't have examples before us: erotica, pornography, friends and mentors, workshops and educational materials. Here's some concrete advice on how best to emotionally access those:

* **Find a good mentor, or at least a friend or social group, to talk about sex with -- who you don't want to have sex with**. Being able to honestly discuss turn-ons in a neutral environment is invaluable, as is someone who can guide and advise without inserting their preferences and desires into the conversation. Naturally, it's entirely possible to have a good sexual relationship with a sexual mentor -- and sometimes, mentor (or friend) relationships evolve in unexpectedly sexual ways. But it can be very useful to take that element out of at least some relationships.

One piece of advice that I love is for mentors to be the same "type." That is, for example, if you're a heterosexual female submissive, it's awesome to have an experienced

heterosexual female submissive mentor if possible.

This post was edited to add the next paragraph: In the comments, Ranai pointed out that it's not always a great idea to have just one mentor -- and I agree with her. I think it's helpful to have a range of voices who can give advice, if possible. There's nothing wrong with trusting one person above others, but all humans have their blind spots, and mentors are human too. This is one thing I love about the BDSM community, by the way (or at least, my experience with the BDSM communities I have been part of -- not all BDSM communities are the same...). In many BDSM communities, there are many cafe meetups and other low-pressure gatherings that make perfect environments for getting this kind of advice!

* **Not all BDSM -- or porn -- or whatever! -- is the same**. If you don't like (or are even revolted by) something you see, then you can try watching (or reading, or talking about) something else. Me, I got really excited when I first learned about Comstock Films: Tony Comstock makes documentaries that show real couples having real sex, and his documentaries are much more realistic and comfortably sexual than mainstream porn. And I **really** didn't like mainstream porn. But then I found that I wasn't that into Comstock Films themselves, even though I love the idea so much that I screened one of the movies at my sex-positive film series. So I concluded that I'm just not into porn at all, and that I'd be better off to focus on written erotica.

But **then** I finally saw some porn that turned me on at CineKink, "the really alternative film festival" -- and I hadn't even expected it to turn me on! I'd just been watching out of academic interest! And these days, I find that I'm sometimes turned on by watching the mainstream porn I tried so hard to avoid in the first place. The moral of the story is obvious.

The bottom line is that **mere exposure to new ideas about sexuality can bring personal sexual evolution** -- and that's awesome. So if you're interested in facilitating your own sexual evolution, the first thing to do is learn about sexuality by whatever means possible.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2010/05/28/sexual-openness-2-ways-to-encourage-it/

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RELATIONSHIPS:

[storytime] Fear, Loathing, and S&M Sluthood in San Francisco

I originally wrote this and published it at OffOurChests.com in late 2010. If you've read Confessions of a Pickup Artist Chaser, *or any of my posts that refer to "Adam," then I probably don't have to tell you which of these men later turned into Adam. But I'll spoil the mystery for you, and tell you outright that Mr. ThereItIs is Adam. (In this entry, I*

named him after the post I wrote when I met him: "There It Is.")

* * *

Fear, Loathing, and S&M Sluthood in San Francisco

Since I was small, I've loved the Van Gogh painting "Starry Night." I loved the cypresses in particular: winding spiral trees, hallucination trees. They were so unlike other trees I'd seen that I thought Van Gogh made them up, and so when I first saw cypresses years later, I was stunned: the hallucination trees had been imported into my world. I'd like to think that my world turned a little bit sideways forever, when I first saw cypresses, but I'm probably being melodramatic. (I'm good at that.)

San Francisco has cypresses, and a lot of other hallucinations, too. The city is full of angles, vantages, transitions, unceasing changing views: it feels, at times, like an unsolvable puzzle. A forested path leads darkly under a bridge, suddenly opens upon a manicured lawn with a white lace conservatory. A cement staircase rises through a narrow outlet, resolving itself step by step into a slice of brightly painted Victorian facade. I walked once with a friend alongside an ocean road, pacing through thick fog, and arrived at a dirt path that I insisted on following; thirty seconds later we stumbled upon extraordinary ruins.

San Francisco. Halcyon city, heartbreak city. Cypress city. The place I come to recover from being torn apart and, it seems, sometimes the place where I get torn apart again. This is okay with me, because nothing is more fun than overanalyzing strong emotions. I am not even kidding.

* * *

I returned from Africa recently; paused briefly in my adopted city of Chicago to collect my thoughts; and then went to the Burning Man Arts Festival, thence to San Francisco. This is my version of emotional decompression, and it worked! I feel much more centered now. But part of decompressing, for me, was specifically going out to a **lot** of dates and BDSM parties and pushing my own boundaries, which carries its own potential decompressable risks.

At the time of this story, it had been a couple of months in San Francisco, and I was leaving soon. I'd had an assortment of adventures, but there were two guys in particular who I was excited about. Not necessarily in a long-term way -- I'm not in this for the white picket fence and the 2.5 kids (or at least, not yet) -- but definitely in a wow-I-have-to-control-myself-or-I'll-come-off-as-kind-of-puppyish way. New Relationship Energy: it is such a mind trick, such a delicious head-trip. *You are the perfect drug.*

I had to control myself less when I first hooked up with The Artist: possibly the most postmodern individual I've ever met, possibly the most creative, who I've loosely been friends with for six whole years, and who has never ceased to fascinate me. It is hard for me to meet people who keep me thinking, but The Artist never disappoints. If anything, our problem was shifting a cerebral connection into a sexual one: the first time we made out, I absolutely **had** to interrupt the proceedings because I'd forgotten to tell him about this great sociology paper. It was okay to show how much I liked him because we'd

known each other for so long, it was easier to read the situation, easier to allow investment. Much harder with Mr. ThereItIs, who came out of nowhere, who I barely knew but had awesome chemistry with. In the beginning steps of this game, you can never let them smell your fear.

Saturday morning. I'd spent the night with The Artist, was checking my email while he made breakfast. (He actually likes cooking, which I have trouble comprehending.) I wanted to plan my week, and texted Mr. ThereItIs to ask when we'd see each other. My breath hitched as he texted back: he didn't think it'd be a good idea to spend the night together again, but he wanted to have drinks and catch up. I closed my eyes, made myself breathe. Remembered how many times he'd pulled back, how much anxiety he'd expressed about the BDSM we engaged in. I'd tried to make it clear that he was doing awesomely, but dollars to donuts he was still freaking out about it. I was his first-time heavy BDSM partner. *Why do I keep doing this to myself? Haven't I learned my lesson about vanilla-but-questioning guys yet?*

After giving myself a moment to calm down, I texted back that I was open to getting drinks, but wanted to understand his motives better before doing so. "Feel free to email or text," I wrote, "I can't talk right now," then put down my phone and walked into an intense conversation in the kitchen. There'd been some uncertainty over my last month or so with The Artist, due to surprisingly divergent relationship priorities. We're decently matched in terms of being BDSM-identified, and we have so much else in common, but there were some things I wanted to do that particularly freaked him out, plus he wasn't feeling 100% comfortable with polyamory. Most of all, I've been surprised by his emphasis on settling down.

That Saturday, it ended with him deciding it wouldn't work. "You and I are in such different places right now," he said gently. "You're still focused on having an interesting life. I'm not prioritizing that anymore. I would have been a much better match for you five years ago."

You're one of the most interesting people I've ever met, I wanted to say, *how can you decide this?* The night before, we'd had a conversation in which he'd described how incredibly stable he wants his life to be. Well-designed apartment, respected job, kids, the lot. How much he wants to get away from past days, when he thrived among bizarre subcultures, prioritized art above everything. He doesn't even want to travel! I listened, heart sinking. Trying to understand. "Isn't there anything you can't walk away from?" I asked.

"S&M," he said promptly. "But that bothers me, because I don't know how I can make it fit."

Stability; making things fit. Saturday at breakfast, The Artist mentioned that a friend had compared him to Alex, the main character in *A Clockwork Orange:* in the famous "lost" 21st chapter, Alex decides that it's time to abandon ultraviolence and settle down. Obviously, The Artist was never even close to being the psychopath that Alex is, but it's still an instructive parallel. And I, with all my desire to push and stretch myself, with all the boundaries I'm still seeking to subvert and hack and destroy -- I don't work with the desire to settle down. I may never work with that desire.

I understood. Of course I understood. I knew intellectually that it wasn't about me, I knew it was just about the situations at hand, but of course it hurt anyway. Two awesome men, giving me the same message at once: *This is too much, you're too extreme.* A matter of their boundaries. Not about me. Of course it hurt anyway.

"Is there anything else you want to add while we're having this conversation?" I asked The Artist finally, as we wound things up.

He thought for a minute, took my hand. "Well, you're wonderful and beautiful, but you know that."

"Do I?" I asked, and made myself laugh to take the sting from my words.

* * *

An aside:

Occasionally, my mother has tried to convince me that I am at emotional risk in part **because of** the fact that I am forward about my sexuality. Because -- I think this is how the story goes, though she's never explicitly articulated it -- because it means that men will see me as a disposable toy; the hot edgy girl he likes but would never settle down with; the whore but not the Madonna. Cute enough to catch his attention and passionate enough that he'll call her back but ultimately, not "the keeper", not the girl he'd have any loyalty to in the end. I think my mom is afraid that I'll stumble out the other end of this brilliant razor-edged fluorescent beautiful funhouse that is my "young and attractive" years, that I'll come down like a girl falling through a distorted mirrored sheet of glass. That shards will burst everywhere and I'll collapse, covered in metaphorical blood, and turn my eyes up to the harsh white stars and wonder how I let men use me and why.

This is the stereotype that I think she's afraid of, on my behalf, the one that comes up on occasion when she comforts me through heartbreak. My mother is hardly a conservative slut-shamer, but she loves me and she wants to protect me, so she tells me this. And I'll admit it -- I fear it too, I feel those anxieties whispering behind me, thrumming through my veins during times like these. *What did I mean to him? Did I matter, did I make an impression, does he give a damn? Would he be willing to Make A Commitment? He doesn't care, God, I don't matter, and I was just stupid because God forbid I allow myself to like or trust a man that I fuck, when everyone knows that men don't ever have feelings for the women they fuck --*

But actually those fears don't make sense, do they -- they don't make any sense at all if I assume that men are complex humans who want to have relationships but aren't always sure about it (much like myself), rather than sex-seeking-stereotype-activated-robots. The fears don't make sense in the context of my own experience, which is full of friends and relatives and lovers who have been caring, self-aware, honest men. The fears don't make sense given the fact that very often, **I'm** the one who prefers not to have a serious relationship right now, or who can only compromise up to a point.

And the fears especially don't make any damn sense if we assume that I want to pursue my own goals, my own dreams, my own pleasures, my own sexuality **on my own terms**. If we **assume** that I have no intention of playing by the rules in a world that tells me

women never have our own damn sexual needs; that it's wrong or wicked or dirty for women to negotiate any sexual exchange for pleasure; that women are meant to **trade** sex for "commitment" or "support" (though, bizarrely, never outright for money). If we **assume** that I can get something great from sexual relationships without Being On The Path To Marriage. That I understand and honor my sexual desires, that those desires are worth fulfilling in themselves. And if we **assume** that men have something wonderful they could bring to the sexual exchange; that they aren't always "using" or "exploiting" or "winning" some kind of sick war-of-the-sexes, every single time they fuck.

But even if the fears don't make sense, sometimes they still come out and whisper at the back of my neck... *I'm selling myself short.* As if I should have **bargained** better, should have **traded** my sexuality for far more than "mere" pleasure with someone I "merely" liked, was "merely" attracted to, who "merely" respected my boundaries and "merely" was fun to hang out with. Would some people see it as ironic that I prefer relationships with real emotional heft, even when short-term or casual? Even with that said, though, there is no description of how reasonable, safe, or awesome my relationships are that will matter to our slut-shaming society -- or to the fears it's hammered into me. Society, whose judgment of whether a girl is a "slut" can be sudden and devastating, stupid and stereotypical; a lightning strike that lands based on absurd factors like how non-normative or straightforward or aware of her sexuality she is. And once I'm a "slut" -- if I dare dance over that ever-shifting line -- then I'm beyond the pale. The world always seems to be outdoing itself in finding new ways to tell me that once I'm a slut, no man will ever respect me again.

* * *

I went home. It was raining, all across my cypress city; raining so hard, I had to take the bus instead of walking. The rain struck me as an insultingly obvious metaphor, as did the fact that I was scheduled to attend a wedding that afternoon. It seemed strange that hallucinatory San Francisco would throw such tired tropes at me. (I should have trusted the city more. It was with me, still.)

I was sad. Not devastated. Just sad, and a little bit scared. *I'm such a screwed-up perverted slut, no man will ever care about me.* However, I'm an adult, so I tried to recognize my emotional baggage, give myself some time to process, then eat a proper lunch and get some work done.

I took a very dear, very blunt friend out to dinner recently. (Yes, I paid, and yes, he felt objectified.) Over Indian curries, I tried to explain my fears that All Men (who are of course a monolith) will pigeonhole me as "too much", "too extreme." A "slut." Whatever. My friend listened, savoring his delicious lassi as he thought about what I was trying to say. Then he said, "Look, you shouldn't worry about it. You're extreme. You're also tall. You couldn't be un-tall for a man, and you can't be un-extreme. There are men who will like you just fine for it, so just keep an eye out for those men." I could detect the edge under his words: *Come on, Clarisse, you're the one who always says that People Are Different, why do I even have to tell you this?* A fair point, but I can't help it -- stories like this still shake me.

As it happens, though, this story has a happy ending.

I was about to head out to the wedding when I received an email from Mr. ThereItIs:

So my txt was not really well-considered. I was delaying writing you because I've got mixed and confusing inclinations about all this and was hoping I could figure them out before writing. So I spent last night drinking too much and ranting with friends about unrelated topics, which surprise turned out to not have helped me figure my shit out at all.

I'm just feeling intimidated and uncertain about our kinkiness. On one hand I've been feeling "aaa this is weird, run away". But I'm also feeling like this is fun and new and hot and fascinating, and I should get over my bs and try it again. So if you can forgive my impulsive txt and my erratic emotions.... I'm free on your free nights this week.

And if I've spooked you or your schedule has filled up, then I would be disappointed... but I'd understand. Sorry about the drama. I'm usually drama-free, I swear.

It was amazing how much further my internal anxieties resolved themselves upon receipt of this email: it was not only concrete evidence that men are **human beings** who are frequently **just as confused as I am**; not only concrete evidence that men are **different from each other**, and assumptions should not be made about how they're feeling; but also, it was concrete evidence that a man (a vanilla-but-questioning man, no less!) might not inevitably fall into the stereotypes that feed my fears.

I was still a little bit spooked, of course, but I did indeed see Mr. ThereItIs later that week, and it turned out great. And as I was pulling myself together to leave his apartment, I raised my eyebrows at him. "I don't know if I'll ever see you again," I said, fishing. I didn't have any nights open before I was due to catch my plane out of the city, but maybe some other time....

"You'll see me again," he obliged.

I zipped up my backpack. "I wonder why we have so much chemistry."

"I don't know," he said, "but I'll read about it on your blog when you figure it out," and he laughed and caught my wrists when I pretended to punch him. It was such a stupidly adorable moment that I am almost ashamed to write it down, but it was also such a cypress moment, I've got to mention it.

As for The Artist, we went to a charming museum a few days before I left, and had a fine old time. There was almost no tension at all. Right before we parted, we inevitably ended up discussing our brief romance, and the conversation was gloriously friendly. "No hard feelings," I said as I walked him to the bus, and meant it.

I then tried to walk away from the bus, but it turned at the same corner I did and chased me down the street. *Ack,* I couldn't help thinking, *so much for a nice clean exit.* I was suddenly possessed by ridiculous performance anxiety, knowing he could see me, so I paused and took a drag of a passing gentleman's cigarette, and then deliberately zigzagged away from the bus again.

The Artist texted me fifteen seconds later: "That puff of a cigarette looked mighty tasty."

"I needed it to relieve my feelings of being watched from the bus," I texted back, then

added impulsively, "Take care, handsome, and have lots of wonderful children."

"You too," he replied. "We'll see if I become okay with poly first, or you gain these 'adult' preferences...."

I shook my head and laughed over my phone, walked home with a spring in my step.

San Francisco had done what I needed it to do.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/04/03/storytime-fear-loathing-and-sm-sluthood-in-san-francisco/

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S&M:

[theory] BDSM As A Sexual Orientation, and Complications of the Orientation Model

The first version of this post was written in 2009. I updated it slightly and reposted it in 2012. The online version includes an evolving set of relevant links at the end.

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BDSM As A Sexual Orientation, and Complications of the Orientation Model

There's a hilarious sticker that you can buy online at a website called TopPun.com. It shows a list with "Homosexual Agenda" written at the top. The list items are: "1. Spend time with family, 2. Be treated equally, 3. Buy milk." (You can also buy a keychain version.)

I love that because it so perfectly highlights how preposterous all those right-wing accusations about "the gay agenda" are. Actually, gay people just want to live their lives like everyone else; the to-do list for most gay people looks a lot like most other people's.

In a way, that sticker also highlights some problems with the very concept of sexual orientations -- the way we sort ourselves into groups based on sexuality and its apparent innateness. Why do people have to insist on being so different from each other? A question that sometimes gets raised in BDSM contexts: is BDSM a "sexual orientation"? And I have such mixed feelings about that question. I feel intense BDSM as an incredibly important aspect of my sexuality, perhaps an innate one, but I don't want us to fall into the same traps that beset homosexuality.

I remember the first moment it occurred to me to consider BDSM an orientation -- the first time I used that word. I believe I was writing up my coming-out story at the time; I was discussing the way I freaked out when I came into BDSM, and I wrote: *In*

retrospect, it seems surreal that I reacted so badly to my BDSM orientation.

I remember that I felt vaguely electrified at what I was saying, a little scared... but also comforted. At the time, I hadn't had much contact with other sex theorists, and I thought I was saying something radical. I was scared that my words might appear too radical to be taken seriously. Also, since our culture mostly discusses the idea of "orientation" in regards to gay/ lesbian /bi /transgender /queer, it seemed to me that -- if I dared refer to it as "my BDSM orientation" -- then a comparison with LGBTQ was implied in my statement.

Would the world believe that my BDSM desires could be as "real," as "deep-rooted," as "unavoidable" as the sexual orientation of a gay/lesbian/bi/transgender/queer person? Would I offend GLBTQ people by implying that my sexual needs are as "real," "deep-rooted" and "unavoidable" as theirs?

I later found out that some LGBTQ people do get offended by it, and others don't. Sometime you end up with ridiculous arguments like this one from a comments thread on an incredibly BDSM-phobic blog: one person says, "As a lesbian, I would like to say a sincere fuck you to people comparing BDSM to homosexuality," to which another person replies, "As a queer person myself, I would like to say a sincere fuck you to people who claim that I ought to see my BDSM and my queerness differently." As for me, Clarisse, I'll be frank with you -- I've come to the conclusion that I don't have a dog in that fight, and I'm staying out of it. I'm straight as the day is long, but I've also been invited to speak about BDSM at queer conventions and to write about BDSM on queer blogs. So I'll hang out with the people who are cool with me, and everyone else can kick me out of their LGBTQ circles as much as they want.

But I used to feel a lot more worried about how I'd be perceived for talking about BDSM as an orientation. Still, as weird as the concept of "BDSM as an orientation" felt when I first thought of it, it also felt right. When I looked back at my memories and previous actions, it was quite obvious that I have always had these needs, desires and fantasies. Acknowledging this, and applying the word "orientation" to BDSM, helped me come to terms with my BDSM identity.

The "BDSM orientation" idea cleared a mental path for me to think of BDSM as a inbuilt part of myself, like my bone structure or eye color. BDSM became something that it was desirable to accept, come to terms with... even **embrace.** It was a hugely liberating way of thinking about it: **if I thought of BDSM as an orientation, that meant I didn't have to worry about or fight it anymore.**

Since then, I've been so buried in sexuality theory and I've talked to so many BDSM people that -- well, now the idea of a "BDSM orientation" seems kinda boring. I am reminded that it's a radical concept only when I talk to people who don't think about these things all the time. I think that the idea of BDSM as an orientation occurs naturally to people who think a lot about BDSM sexuality, because **so many kinksters** either know we're BDSM people all along, or instantly recognize BDSM once we find it. Here's a quotation from an article about a BDSM-related legal case that quotes sexologist Charles Moser at the end, as he very eloquently describes how BDSM can be considered a sexual orientation:

When I talk to someone who is identifying as BDSM and ask them have you always felt this way, and they almost always report that 'This has been the way I was all along. I didn't realize it. I thought I was interested in more traditional male/female relationships but now I realize that I really like the power and control aspects of relationship.'

... They are very clear often that, 'my relationships which were vanilla were not fulfilling. I always felt like there was something missing. Now that I'm doing BDSM, I am fulfilled. This feels really right to me. This really gets me to my core. It's who I am.'

... And so in the same way as someone who is homosexual, they couldn't really change -- they somehow felt fulfilled in the same-sex relationship -- similarly in a BDSM relationship or scenario, they similarly feel the same factors, and in my mind, that allows me to classify people who fit that as a sexual orientation. I cannot change someone who's into BDSM to not be BDSM.

That's how I feel. Absolutely.

And yet I disagree with Moser on one key point: not all BDSM people are like this. I know that people exist who do BDSM, who don't feel it the same way I do. They don't feel that it's been with them all along. It's not deep-rooted for them. It's not unavoidable, it's not necessary, it doesn't go to their core. They can change from being into BDSM to not doing BDSM, because it's not built-in; it's just something they do sometimes, for fun. There are also plenty of people who have equally strong feelings about their BDSM sexuality, but who have different BDSM preferences from mine. And that's totally okay with me! I will always say that I've got no problem with whatever people want to do, as long as it's kept among consenting adults.

But what does the existence of people like that mean for BDSM as an orientation? Are they somehow less "entitled" to practice BDSM, because it's not as deep-rooted or important to them as it is for, say, me? No, that can't be true. I'm not going to claim that my feelings are "more real" than theirs, or somehow more important, just because BDSM goes straight to my core but not to theirs. They've got as much right as I do to practice these activities, as long as they do it consensually.

So, where does that leave us? It means that BDSM is an orientation for some people, but not for others. I'm fine with that. Does that mean we're done here? Well, no....

... because if BDSM is an orientation for some people but not others, then we're in a bit of a weird place when it comes to societal recognition. In the case I cited above, Charles Moser is claiming that we BDSMers can't change ourselves and that therefore, we don't deserve to be stigmatized for our sexuality.

On the surface, this might seem reasonable, but actually, **whether or not** people can alter their sexual needs, **there's no reason people shouldn't be able to do what they want with other consenting adults**. If any of us phrase the argument as: "I can't change myself, so please don't hate me!" then we are implicitly saying, "If I could change myself, I would... but I can't, so please have pity on me!" In other words, we are implicitly saying: "BDSMers can't 'fix' our sexual needs -- it's not 'our fault' -- so please don't hate us."

And when we say that, we are accepting and validating the way our culture tries to shame our sexuality. We are fundamentally agreeing with the opposition and begging for an exception, rather than trying to change the rule. We are calling BDSM a "fault," rather than stating that freely exercising sexuality is our "right." **When we make BDSM into an orientation, we are often casting BDSM sexuality as something that we would "fix" if we could. But BDSM is not broken in the first place!**

Also, using the orientation argument leaves the entire segment of the population that doesn't feel BDSM as an orientation standing out in the cold. If we go with the orientation model, and say that it's okay for BDSM-identified people to practice BDSM only because we feel it as a deep-rooted orientation... then we are implying that it's **not** okay for people to practice BDSM if they **don't** feel it as a deep-rooted orientation.

Something like this has happened in some gay/lesbian communities: people who have sex with folks of the same gender, but don't identify as strictly gay or lesbian, have sometimes been stigmatized within gay/lesbian communities or even disallowed from gay/lesbian gatherings. I understand that there are historical reasons that kind of thing happened, and analyzing the phenomenon would take up a whole post. I'm pretty sure books have been written about it. But the point is that when it did happen, it left bisexual people -- as well as others who don't fit neatly within the "gay/lesbian orientation" -- out in the cold. And I don't want to support that with BDSM.

So I've tended to avoid that kind of language. I think it is important to move away from "I can't help having these needs," and towards "It's fundamentally unimportant whether we can change our sexual desires; the only really important thing is whether or not we practice them consensually."

But...

there's always a but...

I'll admit that I feel anxiety about abandoning the "orientation model." I still haven't taken the word "orientation" out of my BDSM overview lecture, because it is useful for convincing people that BDSM is okay. Many people, at this point, have accepted the LGBTQ orientation as something that should not be stigmatized. The word "orientation" can really help them understand what BDSM means to us and why it's not okay to stigmatize that, either.

Furthermore, there are obviously people out there (like Charles Moser) who are seeking to protect BDSM legally, as a sexual orientation. They want to make BDSM a protected class, so that we can't get fired or have our kids taken away or suffer other consequences for being into BDSM anymore. If talking about BDSM as a sexual orientation means I can worry less about those potential consequences, then is it worth it? Maybe.

And, of course, I don't want to forget how much the idea of an "orientation" comforted me when I was first coming into BDSM. It made me feel so much better to recognize BDSM as an inbuilt part of myself. I don't want to take that comfort away from anyone else.

So, when I try to campaign for general sexual freedom and acceptance -- "orientation" or no "orientation" -- I imagine that I'll still end up using the word sometimes. But I'll always try to be conscious of it, and I'll always try to speak in ways that support this statement:

It's fundamentally unimportant whether we can change our sexual desires; the only really important thing is whether or not we practice them consensually.

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2012/04/09/classic-repost-bdsm-as-a-sexual-orientation-and-complications-of-the-orientation-model/

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S&M:

[theory] BDSM "versus" Sex

This was originally published in two parts in 2011. I named the first part "Divide and Conquer," and the second part "How Does It Feel?" But as often happens when I split up my long posts, people were already talking about points that I addressed in the second post while commenting on the first post -- before the second post was published. (Unfortunately, my commenters are at least as smart as I am, and they notice when I leave things out.) I've often struggled with length problems as a blogger. If I could write posts that are typical blog length, like 250-500 words, then I'd probably be a lot more successful. But I just can't seem to write short, and since splitting up long posts is a bad idea too, I constantly feel frustrated by blogging... let alone platforms like Twitter! If you have clever thoughts for how I can train myself to be a better short-form writer, email me. Seriously.

* * *

BDSM "versus" Sex

Every once in a while, someone will ask me a question about something BDSM-related that I feel "done with"; I feel like I did all my thinking about those topics, years ago. But it's still useful to get those questions today, because it forces me to try and understand where my head was at, three to seven years ago. It forces me to calibrate my inner processes. I often think of these questions as the "simple" ones, or the "101" questions, because they are so often addressed in typical conversation among BDSMers. Then again, lots of people don't have access to a BDSM community, or aren't interested in their local BDSM community for whatever reason. Therefore, it's useful for me to cover those "simple" questions on my blog anyway.

Plus, just because a question is simple doesn't mean the question is not interesting.

One such question is the "BDSM versus sex" question. Is BDSM always sex? Is it always sexual? A lot of people see BDSM as something that "always" includes sex, or is "always sexual in some way." In the documentary "BDSM: It's Not What You Think!", one famous BDSM writer is quoted saying something like: "I would say that eros is always **involved** in BDSM, even if the participants aren't doing anything that would look sexual to non-BDSMers."

But a lot of other people see BDSM, and the BDSM urge, as something that doesn't necessarily have anything to do with sex -- that is separate from sex.

I see two sides to this question: the political side, and the "how does it feel?" side. Both sides are intertwined; **when it comes to sex, politics can't help shaping our experiences (and vice versa)**. I acknowledge this. **And yet even when I try to account for that, there is still something deeply different about the way my body feels my BDSM urges, as opposed to how my body feels sexual urges.** I don't think that those bodily differences could ever quite go away, no matter how my mental angle on those processes changed.

* * *

The Political Side of BDSM versus Sex

"BDSM versus sex" could be viewed as a facet of that constant and irritating question -- "What is sex, anyway?" I've always found that **the more you look at the line between "what is sex" and "what is not sex," the more blurred the line becomes**.

For example, recall that ridiculous national debate that happened across America when Bill Clinton told us that he hadn't had sex with Monica -- and then admitted to getting a blowjob from her. Is oral sex sex? Maybe oral sex isn't sex! Flutter, flutter, argue, argue.

It is my experience that (cisgendered, heterosexual) women are often more likely to claim that oral sex is not sex, while (cis, het) men are more likely to claim that oral sex is sex. I suspect this is because women face steeper social penalties for having sex (no one wants to be labeled a "slut"), so we are typically more motivated to claim that sex acts "don't count" as sex... whereas men are usually congratulated for having sex (more notches on the bedpost!), so men are typically more motivated to claim that sex acts "count" as sex. (Unless they're Bill Clinton.)

So we already have this weird ongoing debate, about what "qualifies" as sex. And you throw in fetishes such as BDSM, and everyone gets confused all over again. A cultural example of this confusion came up in 2009, when a bunch of professional dominatrixes got arrested in New York City... for being dominatrixes... which everyone previously believed was legal. Flutter, flutter, argue, argue, and it turns out that "prostitution" (which is illegal in New York) is defined as "sexual conduct for money."

But what does "sexual conduct" mean? **At least one previous court had set the precedent that BDSM-for-pay is not the same as "sexual conduct for money"... and yet, in 2009, the Manhattan District Attorney's office decided that "sexual conduct" means "anything that is arousing to the participants"... and then decided that this suddenly meant they ought to go arrest dominatrixes.** It's not clear why the Manhattan

DA did not, then, also begin arresting strippers. And what about random vanilla couples on a standard date-type thing, where the woman makes eyes at the man over dinner, and the man pays for the meal? Sounds like "sexual conduct for money" to me. Which could totally be prostitution, folks, so watch your backs.

In his piece "Is There Such A Thing As Kinky Sex?", Dr. Marty Klein says that:

If practicing kinky sex makes you "other," not one of "us," if it has non-sexual implications, if it means you're defective or dangerous -- who wants that? And so as "kinky sex" and its practitioners are demonized, everyone is concerned -- am I one of "those people"? It makes people fear their fantasies or curiosity, which then acquire too much power. It leads to secrecy between partners, as people withhold information about their preferences or experiences.

... I'd like to destroy the idea of binary contrast -- that kinky and non-kinky sex are clearly different. Instead, I suggest that kinky and vanilla sex are parts of a continuum, the wide range of human eroticism. We all slide side to side along that continuum during our lives, sometimes in a single week. We don't need to fear our fantasies, curiosity, or (consensual) sexual preferences. They don't make us bad or different, just human. Some people like being emotional outlaws. They'll always find a way to get the frisson of otherness. But most people don't want to live that way. So ending kink's status as dangerous and wrong, and its practitioners as "other," is the most liberating thing we can do -- for everyone.

That's certainly reasonable from a political standpoint. I've made similar arguments. (Some folks, such as the brilliant male submissive writer maymay, also argue against the common idea that "kink" is limited to "BDSM"; they prefer an expansive definition of "kink" that denotes a vaster cornucopia of sexuality.)

Plus, **I even suspect that a lot of the distinctions made by BDSMers ourselves are based far more on stigma than sense**. For example, when I was younger, I went through a period where I couldn't stand to have the word "submissive" applied to myself. I insisted that I was into BDSM solely for the physical sensation, and swore I would never ever do something solely submission-oriented (such as wearing a collar). It was like I could only handle BDSM as long as I distanced myself from the power elements; the power elements carried too much stigma in my head for me to acknowledge them... yet.

I also used to carefully separate "BDSM" from "sex" in my head. Part of me felt like, "If my desire for pain and power is sexual, then it's weird. If it's not sexual, then it's less weird." (It looks strange when I type it, now, but I guess that's how sexual stigma works: it rarely holds up against the clear light of day.) It took me a while to integrate sexuality into my BDSM practice. In contrast, I once met a couple who told me that it took them a long time to do BDSM that **wasn't** part of sex. In **their** heads, the thought was more like: "If the desire for pain and power is sexual, then it's not weird. But if it's not sexual, then it's really weird."

I've heard of plenty of dungeons where sex is not allowed -- sometimes for legal reasons, but sometimes because there is actually a social standard against it: people are like, "Dude, let's not get our nice pure BDSM all dirty by including sex." (Note: My

experience is primarily with dungeons owned by "lifestyle" BDSMers -- "lifestyle" being a clumsy word that attempts to denote those of us who are motivated to do BDSM for reasons other than money. While there is some overlap between "lifestyle" BDSM and professional BDSM, the overlap can be surprisingly rare, and professional BDSM is often banned at lifestyle BDSM parties. Lifestyle dungeons are often non-profit organizations, and often function more like community centers than moneymaking venues. I understand that some professional dungeons have a "no sex" rule out of a desire to protect the boundaries of dominatrixes who work there, who may not wish to be asked to engage in sex.)

There are also plenty of cultural groups who do things that look suspiciously like BDSM... who insist that they have nothing to do with BDSM. For example, I've heard of spanking clubs whose members get really mad if you dare bring BDSM up in their presence.

And then there's groups like Taken In Hand, a quasi-conservative organization. Actual testimonial from the Taken In Hand site:

There are lots of websites for people in the BDSM, D/s, DD (domestic discipline) and spanking communities. There are websites for people who belong to religions that advocate male-head-of-household marriage. There are even websites for Christians who are interested in BDSM. But there are very few websites for people who are interested in male-led intimate relationships but who are not interested in all that the above communities associate with this kind of relationship (jargon, clothes, etc.) Some of us don't even like thinking of this as a lifestyle.

Well, my friend, you know what... you can refuse to call yourself BDSM all you want, and you can reject our "jargon" all you want, and you can "dislike" thinking of this "lifestyle" until the end of time... and you have every right to insist that we have nothing to do with you. But when your site has posts that include comments like "When my husband behaves in a dominant manner I basically swoon," or have titles like "Don't forget your whip," well... I'm just saying.

Also, since you mention rejecting BDSM "clothes"? I'll just say that I can be an astoundingly badass domme in a t-shirt. And I have done so. Multiple times.

Personally, I am particularly frustrated by the stigmatizing idea that BDSM has nothing to do with love. Sometimes I encounter this idea that BDSM has to be separated from sex because BDSM has nothing to do with sex, whereas sex supposedly "should" be about love. The truth is that both BDSM and sex are very different for different people, emotions-wise. Although many people experiment with "casual BDSM," the same way many people experiment with "casual sex," a stereotype that BDSMers **cannot** find love in the act is wrong and absurd.

So yeah. Nowadays, many of these "BDSM versus sex" reactions strike me as being born out of pure, irrational stigma. As Dr. Klein noted, these reactions are usually born of the terrible human urge to exclude: to find ways to differentiate ourselves from "those people." Humans apparently love to think things like: "I'm not like **those people**. It doesn't matter if I, for example, write extensive rape fantasy fiction! That couldn't

possibly be BDSM! Because I'm not a BDSMer! Because BDSM is dirty."

But we shouldn't necessarily blame people for this instinct to reject and categorize: the instinct is one that comes from being scared and oppressed... because the social penalties for "getting it wrong" are high. Remember, those New York City dominatrixes thought they were "safe" from the law as long as BDSM didn't count as sex. But as soon as someone decided BDSM "counted as" sex, those dominatrixes were arrested.

It's just one more example of how sexual stigma for "different kinds of sex" is constantly intertwined. No type of consensual sexuality can express itself freely until people agree that "among consenting adults, there is no 'should'." The Romans, those ancient imperialists, used to say: "Divide and conquer." When consensual sexualities are scared of each other, we will continue to be conquered. **As long as "vanilla" people are afraid of "BDSM"... as long as "BDSMers" are afraid of being seen as "sexual"... as long as the social penalties for being a "slut" or a "whore" are incredibly steep... as long as sex workers are stigmatized and criminalized... everyone will be bound by these oppressive standards.**

* * *

The Embodied Side of BDSM versus Sex

Although Part 1 was all about how the divide between "BDSM" and "sex" is often nonsensical, or purely political, or socially constructed... **that doesn't mean that the divide does not exist**. I once had a conversation about ignoring social constructs with a wise friend, who noted dryly that: "One-way streets are a social construct. That doesn't mean we should ignore them." Just because the outside world influences our sexuality, does not mean that our sexual preferences are invalid.

Some polyamorous BDSMers have very different rules about having sex with outsiders, as opposed to doing BDSM with outsiders. For example, during the time when I was considering a transition to polyamory, I myself had a couple relationships where we were sexually monogamous -- yet my partners agreed that I could do BDSM with people who weren't my partner. **Those particular partners felt jealous and threatened by the idea of me having sex with another man, but they didn't mind if I did BDSM with another man.** Maybe the feelings of those partners only arose because they categorized "BDSM" and "sex" into weirdly different socially-constructed ways... **but those partners' feelings were nonetheless real, and their feelings deserved respect.**

And there are also unmistakable ways that BDSM **feels** different from sex. There is something, bodily, that is **just plain different** about BDSM, as opposed to sex. I often find myself thinking of "BDSM feelings" and "sexual feelings" as flowing down two parallel channels in my head... sometimes these channels intersect, but sometimes they're far apart. The BDSM urge strikes me as deeply different, separate, from the sex urge. It can be fun to combine BDSM and sex, but there are definitely times when I want BDSM that feel very unlike most times when I want sex.

The biggest political reason why it's difficult to discuss this is the way in which we currently conceptualize sexuality through "orientations": we have built a cultural "orientation model" focused on the idea that "acceptable" sexuality is "built-in," or

"innate." Some BDSMers consider BDSM an "orientation" -- and I, myself, once found that thinking of BDSM as an orientation was extremely helpful in coming to terms with my BDSM desires. But one thing I don't like about the orientation model now is that it makes us sound like we're apologizing. "Poor little me! It's not my fault I'm straight! Or a domme! Whatever!" Why would any of these things be faults in the first place? Our bodies are our own, our experiences are our own, and our consent is our own to give.

The orientation model is one of the cultural factors that makes it hard to discuss sensory, sensual experiences without defaulting to sexuality. As commenter saurus pointed out on the *Feministe* version of part 1 of this post:

Sometimes I think that we have compulsions, needs or "fetishes" that aren't sexual, but lumping them in with sexuality is sometimes the most convenient or socially manageable way to deal with them or get those needs met. They might even physically arouse us for a variety of reasons, but that might be a side effect instead of the act's inherent nature. Which is not to say that every act can be cleanly cleaved into "sexual" and "non-sexual" -- of course not. But I think we lack a language around these needs that doesn't use sexuality. I see a lot of groundbreaking work coming out of the asexual and disability justice communities in this regard (which is just to say that I find the folks in these groups are churning out some incredible ways to "queer" conventional dominant ideas about sexuality; not that they never have sex or whatever).

I think one answer to that is to just open up the definition of sexuality to include these things, but as someone who identifies vehemently not as "sex positive" but as "sex non-judgmental," I know I don't personally want all my shit to be lumped in with sexuality. It just makes me picture some sex judgmental person insisting that "oh, that's ***totally*** *sexual."*

I, Clarisse, can certainly attest that it's common for people to have BDSM encounters that are "just" BDSM -- "no sex involved." For example -- an encounter where one partner whips the other, or gets whipped, and there's no genital contact or even discussion of genitals. And I'd like to stress that when I have encounters like that, they can be very satisfying without involving sex. The release -- the high -- I get from a heavy BDSM encounter can be its own reward.

I've also had BDSM encounters where I got turned on...

... but I didn't feel turned on until later, or afterwards, or until my partner did something specific to draw out my desire. For example -- I remember that in one intense BDSM encounter as a domme, I wound up the encounter and pulled away from my partner. We had both been sitting down; I stood up and took off the metal claws I'd been using to rip him up. (Secretly, the claws were banjo picks. Do-It-Yourself BDSM is awesome.)

Then I leaned over my partner to pick something up. I had thought we were pretty much done, but he seized me as I leaned over, and he pulled me close and kissed my neck, and I literally gasped in shock. My sexual desire spiked so hard... I practically melted into his arms. And yet if you'd asked me, moments before, whether I was turned on... I would have said "no."

One way to think about it might be that sometimes, BDSM "primes" me so that I'm

more receptive to sexual energy. It's not that BDSM is exactly a sexual turn-on in itself; sometimes it is, but that's actually surprisingly rare. Yet BDSM often... gets my blood flowing?... and seems to "open the floodgates," so sexual hormones can storm through my body.

And just in case this wasn't complex enough for you... on the other hand, I've had BDSM encounters where my partner tried to take it sexual, and I wasn't interested. It's almost like there's a BDSM cycle that I often get into, and once the cycle is sufficiently advanced, I can't easily shift out of it.

Sometimes, when I'm near the "peak" of the BDSM cycle, then being interrupted for any reason -- sex, or anything else -- is absolutely horrible. I'd rather be left on the edge of orgasm, burning with sexual desire, than be hurt until I **almost** cry. The emotion becomes a stubborn lump in my throat; becomes balled up in my chest. At times like that, it almost feels hard to breathe.

A while back, a reporter named Mac McClelland who worked in Haiti made a splash by writing an article about how she used "violent sex" to ease her Post-Traumatic Stress Disorder. I briefly reported on the article for *Feministe,* but at the time, I didn't share many of my thoughts about what she wrote. One thing I did say was that the reporter didn't use any BDSM terminology -- at least not that I spotted. She didn't seem to conceptualize her desire for "violent sex" as a BDSM thing at all. Interestingly, a *Feministe* commenter named Jadey, who has experience with kink, also didn't conceptualize the reporter's article that way. Jadey wrote:

I don't think she's bad or wrong, and I don't think her method of coping with her PTSD is bad or wrong.... [Yet] I've got a kink/BDSM background, but that's not what she's describing here. She's talking about something far different, and I can't understand the experience she describes with Isaac. It is... incomprehensible.

I want to stress here that I, Clarisse Thorn, have never been diagnosed with Post-Traumatic Stress Disorder. (And I've undergone plenty of analysis, so I'm sure that if I had PTSD, someone would have noticed by now.) And just in case it needs to be said again, I'll also stress that I have no intention of telling anyone else how to define their own experiences. And just in case it needs to be said again, there is a big difference between consenting BDSM and abuse.

But unlike Jadey, when I read the original "violent sex" article, the reporter's description of her encounter sounded a lot like some of my preferences... indeed, it sounded like some of the BDSM encounters I've had. For example, the reporter writes:

"Okay," my partner said. "I love you, okay?" I said, I know, okay. And with that he was on me, forcing my arms to my sides, then pinning them over my head, sliding a hand up under my shirt when I couldn't stop him. The control I'd lost made my torso scream with anxiety; I cried out desperately as I kicked myself free.... When I got out from under him and started to scramble away, he simply caught me by a leg or an upper arm or my hair and dragged me back. By the time he pinned me by my neck with one forearm so I was forced to use both hands to free up space between his elbow and my windpipe, I'd largely exhausted myself.

And just like that, I'd lost. It's what I was looking for, of course. But my body -- my hard-fighting, adrenaline-drenched body -- reacted by exploding into terrible panic.... I did not enjoy it in the way a person getting screwed normally would. But as it became clear that I could endure it, I started to take deeper breaths. And my mind stayed there, stayed present even when it became painful.... My body felt devastated but relieved; I'd lost, but survived. After he climbed off me, he gathered me up in his arms. I broke into a thousand pieces on his chest, sobbing so hard that my ribs felt like they were coming loose.

... Isaac pulled my hair away from my wet face, repeating over and over and over something that he probably believed but that I had to relearn. "You are so strong," he said. "You are so strong. You are so strong."

Sounds extremely familiar to me.

Now, it's not like I have BDSM encounters like that all the time; indeed, experiences of that type are relatively rare for me. But the reporter's description doesn't sound "far different" from what I've experienced. Certainly not "incomprehensible." There's only one big difference, actually: I've never had such an intense BDSM experience in which my partner also had penis-in-vagina sex with me. (I'm assuming the reporter means "penis-in-vagina" sex when she talks about "getting screwed", but I could be wrong.)

Honestly, I'm not sure why I would **want** to combine vaginal sex with an experience like that. Vaginal sex strikes me, personally, as kinda incidental to what I'd get out of it. But maybe I'll try it sometime and it'll be the greatest thing in the world; we'll see, I guess.

Sometimes I find that I've still got a "BDSM versus sex" distinction to work out, although I seem to have comfortably settled into the frameworks I've created. One of my very first blog entries, back in 2008, was called "Casual Sex? Casual Kink?", and I spent the whole thing musing about whether I was more or less okay with casual BDSM than I was with casual sex.

These days, I find that I'm kinda okay with both casual sex and casual BDSM, but I much prefer those experiences within intimate relationships. Make no mistake, my friends: BDSM can include a great deal of love and connection... at least as much as sex.

To hammer the point home, let me tell you about what happened after I broke up with a much-beloved ex-boyfriend: Mr. Inferno. It was back when I was very focused on being monogamous with my partners. Mr. Inferno broke up with me, and a month or two later I had the chance to have an overnight BDSM encounter with another man, so I took it. There was no genital contact; the whole encounter was limited to this guy giving me orders, and hurting me until I cried.

But I remember, even as I slipped into the familiar emotional cycle, that I couldn't let go: I couldn't let go because I felt like I was betraying Mr. Inferno. He'd broken my heart, but on some level I felt like I still belonged to him. It was wrong, wrong, wrong for me to cry in someone else's arms. The **wrongness** rang through me like a bell. It was so impossible, unbearable -- all I could think was how it should have been Mr. Inferno. I choked on the tears. I couldn't lose myself in them.

Later, I mentioned to my partner that one of my ex-boyfriends (not Mr. Inferno) had

trouble dealing with my BDSM desires. "Ah," my partner said. "That explains why you had trouble letting yourself cry." I decided to nod; to let him think he knew what was blocking me off. It seemed simpler.

In the morning, I had breakfast with my partner. We hugged and split up, and I went for a walk until I found a local creek. I sat next to the creek and I closed my eyes and I let the helpless tears slip down my cheeks.

I'd felt (and I'd known others who felt) this way after the dissolution of a sexual relationship. But I had never imagined that such a reaction of intense bodily loyalty could apply to BDSM as well as sex. I hadn't anticipated that I'd feel such heartbreaking, visceral loss just because I let another man hurt me.

So different, and yet so the same.

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This can be found on the Internet in two parts:

http://clarissethorn.com/blog/2011/10/09/bdsm-versus-sex-part-1-political-concerns/

and

http://clarissethorn.com/blog/2011/10/14/bdsm-versus-sex-part-2-how-does-it-feel/

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S&M:

[theory] BDSM Roles, "Topping From The Bottom," and "Service Top"

I wrote this post in 2011.

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BDSM Roles, "Topping From The Bottom," and "Service Top"

I often say that all **consensual** sexuality is okay. Open relationships? S&M? Same-sex partnerships? One-night stands? Porn? I could care less how people have sex, as long as the people involved are consenting adults. This means that most of the interesting and important questions are about consent: how do we make sure that we always have consensual sex? How do we ensure that we're always respecting our own boundaries and our partners' boundaries? How do we talk about our preferences and our consent? I write a lot about sexual communication for this reason.

Every once in a while, though, there's something interesting to discuss besides consent. (Totally weird, I know!) One of those interesting things is stereotypes. Also interesting: bad dynamics in the BDSM community.

One example of a bad, weird dynamic is the "one true way" thing. Some people act like there are "right" ways and "wrong" ways to do consensual BDSM -- as if some consensual BDSM is more legit than other consensual BDSM. Often, people do this via what we call "role policing": they make claims about "real submission" and "real dominance." (Even worse, people will sometimes act like dominant people are socially "better" or "more important" than submissive people. Or they'll act like men are "inherently" dominant, or women are "inherently" submissive. It's a clusterfuck! Thomas MacAulay Millar has a great essay about this called "Domism.")

Examples of role policing might include:

* "If you were really submissive, then you would be serving my dinner right now instead of having me serve myself."

* "If you were really dominant, then you would pay for my drinks."

* "If you were really submissive, then you wouldn't be confident enough to write a blog about your sex life." (Not that I'm biased or anything.)

Sometimes these are hilarious light-hearted jokes. But sometimes they're not. Sometimes they're bullshit, and they make people feel as though they're "bad at submission" or "bad at dominance." Also, it gets really silly when we start thinking about switches -- people who can feel comfortable in the dominant role or the submissive role, such as myself.

One very common, relevant assumption is that dominant people always enjoy inflicting pain: that sadists and dominants are always the same group. They're not! Sometimes people are into sadism, or into dominance, or maybe they're into a lot of sadism but a little dominance, or whatever. The same thing goes for submission: sometimes people are submissive and like taking pain, but sometimes people are submissive without being masochistic, or maybe they're into a little bit of submission and a lot of masochism, or whatever.

Or maybe they're masochists who like ordering their partners to hurt them. I once threw a memorable party at which my then-boyfriend, a mostly-submissive gentleman, arranged for a bunch of our friends to grab me and hold me down while he ate cake off my body. As he did this, I clearly recall shouting at him: "You better hurt me, or I'm going to safeword on your ass." So he hurt me! It was great.

Because "submissive" and "masochist" aren't always the same thing -- and "dominant" and "sadist" aren't always the same thing -- the BDSM community uses the terms "bottom" and "top." A "bottom" is a blanket term for a submissive and/or a masochist -- the receiving partner. A "top" is a blanket term for a dominant and/or a sadist -- the partner who is providing sensation. The point is to have words that indicate who is giving and who is receiving, without making claims about each partner's preferences. (These words can also be used as verbs. For example, if I am "topping," then I am in the dominant and/or sadistic position.)

And yet! **Even though we have these handy terms "top" and "bottom," which are specifically designed to help us avoid making assumptions, people end up making assumptions.** There are two common BDSM community phrases that are often deployed

in tones of disgust and irritation. One of those phrases is "topping from the bottom." The other phrase is "service top."

"Topping from the bottom" indicates a person who exercises power in the relationship, despite being in the "bottom" position. There's nothing wrong with doing that, as long as both partners consent. But some people talk about "topping from the bottom" like it's bad -- as if power ought to belong to one side or the other; as if the bottom should never express preferences or make decisions about what's going on. Which is ridiculous.

I'll grant that it can be annoying if I'm trying to be a top, and my partner isn't listening or isn't doing what I want. But in those cases, it's important to pay attention to what is actually going on. Is my partner resisting because he actually doesn't want to do what we're doing? In that case, I should respect his preferences. Or maybe my partner is resisting because he wants me to punish him. Or maybe we just have bad chemistry! Whatever. The point is, "topping from the bottom" isn't inherently a bad thing. "Topping from the bottom" doesn't make the bottom into a "bad submissive" or whatever. It just means that either the person is trying to communicate, or the person is looking for a certain kind of push-pull dynamic.

Simultaneously, there's the phrase "service top." It's basically the same thing in reverse. A "service top" is a top who enjoys topping in line with his partner's desires. And once again, some people act like this is a bad thing -- as if service tops "aren't dominant enough." But it's not inherently a bad thing! If a service top is doing things just because her partner likes them... then good for her!

I sometimes use phrases like "topping from the bottom" and "service top" to describe dynamics of a relationship: to talk about what is actually going on. But that's because I don't think there's anything wrong with topping from the bottom or being a service top. I try to avoid joking around about it unless I know that the person I'm talking to is not sensitive about the topic. And I really don't like it when people use those phrases while role policing.

BDSM can carry an incredible emotional charge, and a lot of the time, people will want comfort and snuggles after doing BDSM together. Sometimes, part of that comfort and snuggles includes reassuring the partner: "I know you just beat the shit out of me until I cried; I enjoyed it -- I still like you and think you're a good person." Or, "I know you called your safeword while I was hurting you; I still think you're a beautiful submissive and you did a great job -- in fact I love it when you call your safeword because it helps me understand you better." I think that in these cases it's totally okay to say something like, "You're such a good submissive." But it's so important to keep in mind that there isn't some kind of submission that's inherently "better" than any other kind -- or dominance that's "better" -- or sadism, masochism, whatever.

And here is the part of the entry where I pull aside the mask and reveal that even though I claimed I wouldn't talk about consent... I was secretly talking about consent all along!

The consent problem here is that **role policing can be used to mess with people's consent**, because role policing can be used to pressure people. If a person wants to feel like a "real submissive," and you tell them that "real submissives" always receive anal

sex... then the person might accept anal sex even if he doesn't really want to... because he wants to be a "real submissive."

I have personally witnessed accusations of "topping from the bottom" or "service top" being used to hurt people who were just trying to communicate, or arrange a relationship that they liked. For example: "I thought you were a submissive. Why are you asking me to tie you up? Stop topping from the bottom! I'm the dominant partner, I make the decisions!"

An important facet of consent is trying to create a pressure-free environment, so that all partners feel comfortable talking about what they want. Sometimes, it can be very hard to create that environment, because pressure isn't always easy to see or understand -- but if we want maximum consent power, then we have to do our best. One way to create a pressure-free environment is to be careful about phrases like "topping from the bottom" and "service top" and the role policing that can go along with those phrases.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/11/12/bdsm-roles-topping-from-the-bottom-and-service-top/

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FEMINISM:

[theory] "Inherent Female Submission": The Wrong Question

I wrote this post in mid-2011. Perhaps you can tell that I was in the depths of my obsession with pickup artists at the time... those guys talk about "inherent female submission" ad nauseam. Not all pickup artists are evil and misogynist, but the ones who are love to beat this horse.

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"Inherent Female Submission": The Wrong Question

I get a certain question occasionally, from straight dudes who've had a number of sexual partners. It goes something like this:

All the women I've slept with liked pain. They asked me to hurt them or to dominate them in bed. I did it, and enjoyed it; I loved how much it turned them on... it turned them on a lot. But I keep thinking about it now. Why are all women into being submissive and/or masochistic in bed? What does that ***mean****?*

They ask me this question in vaguely worried tones. Sometimes they say things like, "It's really creepy." It is obvious that these dudes are rather concerned about this Terrible Truth.

Here's my short answer for those guys: If you know women who are submissive and/or masochistic in bed, that means those particular women like being submissive and/or masochistic in bed. It doesn't mean anything else.

You're still here? Ah, well. I figured that wouldn't satisfy. So here's a longer answer:

Firstly, if you're a straight dude, and you're drawing conclusions about "all women" based on the women you get involved with, then stop. Just stop. Even if you have slept with zillions of women, you don't actually know what all women want, because:

A) **Your experience of women is limited to women who got involved with you.** You are screening for certain qualities, sometimes consciously, and sometimes unconsciously or by accident. If you tend to enjoy the dominant role, for example, or if you use a dominant style of flirtation, then you could be screening for submissive female partners, whether you intend to or not.

B) **Everyone has biases, including you.** I love the old saying: "When all you have is a hammer, everything looks like a nail." If you have a bias towards seeing women as sexually submissive (and you almost certainly do, because female sexual submission is a hugely prevalent cultural trope), then you're more likely to see female submission in places where it does not exist.

C) **Women, like people of all genders, are demonstrably varied.** You really don't think non-submissive straight women exist? Why then, it must be so inconvenient when I point you to the work of blatantly dominant women, huh? It's shocking, I know... next I'll be telling you that queer and asexual women exist! (Not to mention women who switch among roles -- from submissive to dominant, from sadistic to masochistic. I primarily go for submissive masochism, but still, I myself play for both teams.)

The thing is, though... no matter how many holes I can poke in these dudes' anecdotal "data," I can't bring myself to worry like they do. Even if a brilliant, well-reviewed study came out tomorrow and proved beyond a shadow of a doubt that 100% of women are submissive masochists in bed, I wouldn't care. (I bet you my left ear this study will never happen, but I'm just saying, even if it did, I wouldn't care.)

Let me say it really clearly: **Even if most women are submissive masochists in bed (and I'm not convinced most women are), there's nothing wrong with that. I don't care.**

Why don't I care? Because all this anxiety and argument about submission -- and in particular, what it means for women to be submissive; whether all women are submissive; whether women are "inherently" or "biologically" submissive; whether BDSM is an orientation or not... this is all the wrong question.

I'll note that the research seems to indicate that more kinky women are submissive than dominant. Of course, this doesn't necessarily indicate anything about the tastes of women who don't identify as kinky. And it's probably biased by culture, in that everything from fashion photos to romance novels emphasizes female submission and male dominance. Within BDSM culture, female dominance and male submission are often disappeared, much to the justified frustration of actual female dominants and male submissives. When

all you have is a hammer, everything looks like a nail -- sometimes including our own psyches and sexualities.

Plus, if the only available patterns for kink emphasize something a person doesn't like, then that person will probably avoid kink. Note that in the research I linked to, for example, the percentage of submissive women was higher in samples from within the BDSM subculture than in samples from outside the BDSM subculture... perhaps because many BDSM subcultural gatherings emphasize female submission and thereby alienate women who are primarily dominant. Anyway, regardless... this is **still** the wrong question.

In short, "inherent female submission" is the wrong question.

Certainly, I've fought through a lot of personal fears about what my interest in BDSM meant for me as a feminist... but these days I have trouble understanding what, exactly, got me so upset. I can't believe how long it took me to outthink those fears. Now, it just seems instinctively obvious to me that:

1) **The only reason these conversations happen at all is that BDSM, and especially submission, is seen as broken and problematic and screwed-up and a sign of weakness.** What if we viewed S&M proclivities as a superpower rather than a perversion? What if submission and masochism, in particular, were viewed as signs of strength and endurance and emotional complexity, rather than weakness?

2) **Sexual kinks don't necessarily affect one's performance in non-sexual fields.** A sexually submissive woman won't make a bad CEO (at least, not because she's sexually submissive). I mean, come on, it's not like there aren't sexually submissive men in powerful corporate positions. When I was younger I remember being scared that, in some bizarre way, I was betraying women's liberation by being sexually submissive; this seems ridiculous to me now. That fear can only survive in a culture where people are looking for excuses -- no matter how flimsy -- to control and disempower women. Because it doesn't make any damn sense on its own.

3) **Rape is still rape. Everyone still has a right to consent, including submissives.** A submissive partner (of any gender) must be able to withdraw consent, and a dominant partner (of any gender) must make space for them to withdraw consent. It's always great when both partners can have an honest conversation about desire, trying to avoid pressure and unfair expectations (whether those expectations arise from sexist culture or from whatever else). Safewords are one frequently-recommended communication tactic for those who have rape fantasies, although they aren't the only tactic. What really burns me about many discussions of "inherent female submission" is that they have horrible overtones of blaming the victim and justifying rape... much like "she was wearing a short skirt, so she was asking for it." In reality, "inherent female submission" says absolutely nothing about women's right to choose our partners and protect our bodily integrity. Female submissives have made it perfectly clear that we do, in fact, claim that right.

I think most of the dudes who ask this question come to me, a feminist, and they ask this question in hushed and worried tones, because they are decent guys and they are concerned about The Consequences Of This Terrible Truth. I'd venture a guess that

they've met other dudes who talk nonstop about how women are *vain and stupid and hysterical and, snicker snicker, why do we let those dumb bitches even vote and, oh by the way, did you know that lots of girls like to be choked and isn't that sooo significant...?* And so these decent guys who are talking to me -- they have learned to associate discussions of female sexual submission with anti-feminism, and with attempts to disempower women in other spheres.

Being decent guys, this worries them, because they know that people of all genders deserve equal opportunity. But it is all a red herring! It's a series of illusions thrown up by BDSM stigma; by the idea that sexual kinks always mean something about the rest of a person's life; by people who don't comprehend that everyone has the right to consent; and by blatant, uncomplicated misogyny! Female sexual submission isn't even close to a threat to women's liberation, unless we allow it to be. If we weren't constantly forced to deal with the broken assumptions of a broken misogynist culture, this question would never occur to anyone!

It doesn't matter nearly as much what the cultural patterns are around sexual submission, as it does how we deal with sexual submission. If your partner is submissive, you can respect their desires and also respect them as a person. As I already noted, in BDSM this means communicating carefully, like with safewords and/or other tactics. Some people can have great sexual communication that's totally non-verbal -- but I always encourage explicit verbal communication because for many people, it's easier to make intentions and desires clear that way, and tactics like safewords provide a fallback in case there's a mistake.

So: what does "inherent female submission" mean for women, for feminism, for equal rights, for women who work, for powerful women? For housewives? For disabled women? For female rape survivors? For rape survivors of other genders?

Say it with me now: It's the wrong question. The mere act of asking this question implies a cultural context that is seeking excuses to disempower women. **Female sexual submission means nothing**...

... **except what every woman wants it to mean, for herself.**

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/07/01/inherent-female-submission-the-wrong-question/

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MANLINESS:

[theory] *Fifty Shades of Grey, Fight Club,* and the Complications of Male Dominance

I wrote this in early 2012, when everyone and their brother was talking about the amazingly successful fanfiction-turned-BDSM-smut Fifty Shades of Grey *trilogy, by E.L. James. (The online version of this post contains a bunch of relevant current links at the end.) It's one of my rare attempts at pegging an article to a recent news item; I had been planning to write this article for months, but* Fifty Shades *gave me an opportunity to actually do it. My main goal as a sex writer has always been to put forth analysis that's responsive to the conversations I hear a lot, yet independent of the latest craze. For one thing, I almost never care to track what Everyone Is Talking About Right This Minute!!, and I'm irritated to think that I ought to do so. But I've come to reluctantly understand that responding to current news is one of the best ways to get more eyeballs on my work, so I'm trying to do more of that. I've also been encouraged in that direction by employers -- most notably the gender-lens website RoleReboot.org, where I took on the role of Sex + Relationships Section Editor in late 2011. A slightly shorter version of this article was originally published there.*

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Fifty Shades of Grey, Fight Club, and the Complications of Male Dominance

Much is being made of the highly successful S&M erotica novel *Fifty Shades of Grey.* People are blaming feminism for making women into submissives, blaming feminism for preventing women from being submissives, blaming women for having sexual desires at all, and a whole lot of other boring and typical stuff that comes up in any conversation about women and S&M. News flash: it's not the feminist revolution that is "causing" women to have fantasies of submission. S&M fantasies have been around since the beginning of time. (And the 1950s S&M-sensation book, *The Story of O,* was much better written than *Fifty Shades of Grey.)*

As an S&M writer, I hear a lot of allegations about how "all" (or "almost all") women are sexually submissive and how this must Mean Something. This is echoed in the coverage of *Fifty Shades of Grey,* in which everyone is demanding to know What It All Means About Women. I've already taken on these questions as they apply to women. But there's another submerged question here -- about men. There's plenty of talk and stereotypes about how men are inherently violent, or more aggressive than women, or "the dominant sex."

As I said in my previous article: I think it's quite questionable whether women are "inherently submissive," but my conclusion is that I don't care. It doesn't actually matter to me whether women in general are "inherently submissive" (though I really don't think women are), or whether submissive women's preferences are philosophically Deep And Meaningful (though I'm not convinced they are). What matters is:

1. How women (or any other people) can explore sexually submissive preferences consensually,

2. How women (or any other people) can compartmentalize submissive preferences so that their whole lives are safe and fulfilling and happy, and

3. How women (or any other people) can be treated well in arenas that aren't even relevant to their sexuality -- like the workplace.

This is also how I feel about these ideas of "inherent male violence." I don't buy that men are "the dominant sex" or that men are "inherently violent." Based on what I've read, it seems quite clear that individuals with higher testosterone levels -- who are, incidentally, not always men -- often experience more aggressive feelings. Yet that's a far cry from large-scale generalizations, and it's also frequently irrelevant to questions about how people can best deal with those aggressive feelings. Plus, psychological submission can be a very separate thing from physical aggression levels.

Much of the time, when it comes to aggression, anger management is the answer, the same way a naturally shy or submissive person needs to learn to set boundaries. But there are circumstances where catharsis is completely acceptable. Lots of perfectly decent men have urges towards violent dominance; what do they do about it? How much do they agonize, like Christian Grey in *Fifty Shades of Grey,* and how much do they explore their desires in a consensual and reasonable way?

I always thought that the late-90s movie *Fight Club* was fascinating primarily because of its lens on masculinity and violence. It's not just about the violence men to do each other, but to themselves. Quotes include "You have to give up; you have to know that someday you're gonna die," and "The first rule of Fight Club is: you do not talk about Fight Club." I first watched it before I knew much about S&M, but now whenever I think about it, I think about how the idea of a fight club -- where people would get together and fight, for catharsis and community -- is so very reminiscent of how a lot of people experience S&M. *Fight Club* even has safewords. Someone says stop, you stop. I obviously don't support the endpoint of the *Fight Club* story (i.e., blowing up buildings), but the idea of establishing a men's community via a fight club seems reasonable to me.

So, what are the practicalities of dealing with aggressive or dominant tendencies in the sexual arena? As an S&M person, I've experimented with dominance as well as submission, but because violence is so associated with masculinity, I turned to some egalitarian male S&Mers for advice. I believe that even for non-S&M people, their perspectives make a really good lens for ideas of gender and violence and power. Of course, the first thing one of my friends told me was: "I'm not sure I really see dominance in general as being particularly masculine. I don't really think it's a gender associated thing."

That gentleman, who comments around the Internet under the name Scootah, went on to add: "I've certainly worried about my kinks in the past. I mean fundamentally, I get really, really turned on by grabbing someone by the hair, throwing them into the wall, backhanding them, etc. That's a pretty disturbing thought for an egalitarian who's worked with abuse victims. I spend a lot of time considering the ethics of my kinks; my partners' enthusiastic consent is a major priority."

Jay Wiseman, author of the famous S&M primer *SM101,* talks about his own early fears towards the beginning of that book. He writes about how he began having sadistic fantasies, and went to the public library to research them. All he could find was portraits of serial killers, which scared the hell out of him. He writes:

I decided to keep myself under surveillance. I made up my mind that I was not going to hurt anybody. If I thought I was turning into someone that would harm somebody else,

then I would either put myself in a mental institution or commit suicide. And thus I lived, waiting and watching to see if I was turning into someone that I needed to shoot.

Fortunately, Wiseman found partners who were open to exploring S&M with him, and went on to write extensively about safety and consent and communication within S&M. Trying to communicate in an egalitarian way is arguably the most complicated part of any S&M encounter; as Scootah told me, "There are certainly elements that could potentially unbalance a relationship in my favor. I'm a big reasonably strong guy. I do usually make more money than my partners. I also have this whole sense of position in the local S&M community. I mostly just try to be aware of those things. I try to be very careful about not taking advantage of that and negotiate clearly and not pressure people."

There are lots of ways to do clear negotiation, including asking open-ended questions before any S&M actually happens: "What are you interested in? Could you go into that more?" There's also a huge emphasis on talking through the S&M encounter afterwards, as part of the post-S&M processing we call aftercare. As another gent who goes by Noir said: "It really helped me to have a few great, feminist S&M partners. Having that echo of 'it's OK, I want this,' as well as the honest feedback when I do wrong really helped shape how I experience S&M, and with who. It's meant I learned how better to read and grasp the people in my, er, grasp."

Noir also noted, "I strive to use dominance and submission as a tool for helping my partners become stronger, in ways that also feed my S&M preferences. For example, I tend to form long-term interests with women who want a 'safe space' to extend and explore their ability to be sluts, with all that can imply. But in the process, we also explore how becoming more confident in one's sexuality also can reflect into everyday life. Also, just coming to spaces in the S&M community can be a goldmine of information. All a dominant man has to do is read, listen, open up and understand. One thing I learned was that my fears about reinforcing our messed-up society were shared by women into kink... but also that my ways of approaching the topic, as 'oh, we're so controlled by society!' were themselves pushing too much agency out of women's choices. There's a balance there that we guys who identify as both feminist and kinky have to respect, and that can come from listening to feminist women struggle with these issues, themselves."

The alternative sexuality advocate Pepper Mint (who has his own blog) told me that in terms of putting gender on his experiences, "I am a bit genderqueer, and I personally experience dominance with either a feminine or masculine vibe from moment to moment. Certain activities -- like punching -- feel masculine, while others -- like whipping -- feminine in the moment. Also, I switch, meaning that I don't always take the dominant role. Strangely, my most clearly masculine S&M activity is masochism. I always feel very manly while taking pain. I don't think I can clearly explain why these things have attached to gender in my head, though presumably I'm being affected by cultural tropes to some extent."

The consensus in general was that dominance, whether masculine or feminine, is something that happens in an encounter... not outside it. As Pepper put it, "New guys often want to play hard or do hardcore things, and will often boast and swagger. Kinky women almost always recognize this as dangerous bullshit. Learn to chill out and not take

yourself too seriously, and learn to start with a light careful touch when playing with someone new. Learn to ask for help and guidance, both from others in your S&M community and from your partners."

Scootah agreed: "The first mistake I see newbie doms make is trying too hard to be some kind of bad ass. Admit your inexperience. Be seen learning. Be modest and have a good time. Learn to communicate well, and to really be friends with your prospective partners."

For me, the bottom line of these conversations is that questioning gender roles, and understanding gender complications, is an ongoing process. People have a lot of urges and preferences that are politically inconvenient and which we will never fully understand. Whether we're shaped by biology or culture, those feelings will still exist for now, and we have to deal with them. There are ways to do almost anything such that people respect each other, though -- whatever the implications for gender or power. Violence is complicated ground, but it can be used in balanced and consensual ways that end up bonding people together. *Fifty Shades of Grey* and *Fight Club* are both examples, and I haven't even touched competitive sports!

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This can be found on the Internet at:

http://clarissethorn.com/blog/2012/04/20/50-shades-of-grey-fight-club-and-the-complications-of-male-dominance/

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ABUSE:

[theory] The Alt Sex Anti-Abuse Dream Team

I wrote this post in 2010 for the high-profile feminist blog Feministe. *If I were to write it today, then I would write it differently. In particular, if I were writing it today, then I would emphasize that there are actually two primary patterns for abusive S&M perpetrators. There are the ones I emphasized in this post, the ones who prey on inexperienced people outside the community... but then there's another category: perpetrators who achieve high status within the community and then use it to get away with non-consensual things. Other BDSMers have been writing about this more and more, and the discussion is really heating up right now, in 2012. My fellow feminist BDSM writer Thomas MacAulay Millar has a particularly long, complex blog series about patterns of abuse in the BDSM community that gives a lot of great reference links to other articles on the same topic. I've mentioned Thomas before; I don't always agree with him, but he's principled and passionate and smart. He blogs at the* Yes Means Yes *blog, and the series is being published post-by-post even as I write this. The first post in the series is available at this link:*
http://yesmeansyesblog.wordpress.com/2012/03/23/theres-a-war-on-part-1-troubles-

been-brewing/

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The Alt Sex Anti-Abuse Dream Team

BDSMers face a lot of stigma around our sexuality, and this can be a major problem when BDSMers are trying to deal with abusive situations. I've written a lot about generally negative conceptions of BDSM -- they can briefly be summarized as:

* S&M is wicked,

* abnormal,

* a sign of mental or emotional instability,

* inherently abusive,

* or even antifeminist.

Given this climate, it's not surprising that two things almost always happen when BDSM and abuse come up:

1) People of all genders who are abused are often unwilling to report. **People of all genders who are abused within BDSM relationships tend to be particularly unwilling to report.** Victim-blaming is already rampant in mainstream society -- just imagine what happens to, for example, a woman who has admitted that she enjoys being consensually slapped across the face, if she attempts to report being raped. And that's assuming the abuse survivor is willing to report in the first place; ze may prefer not to negotiate the minefield of anti-SM stereotypes ze will be up against, ze may be afraid of being outed, etc.

2) Members of the BDSM community sometimes push back against real or perceived anti-SM stigma by talking about how abuse is rare within the BDSM community. A BDSM blog post and comments over at the awesome blog SM-Feminist claim that **not only is abuse within the community rare, but abusive BDSM relationships seem more likely to happen outside the community.** In fact, if you look then you can find posts from submissive women who found that getting into the BDSM community, being exposed to its ideals and concepts, helped them escape or understand their past abusive relationships.

I tend to think that #2 is a really good point -- particularly the bit about how abusive BDSM relationships are more likely to happen outside the community, due in part to lack of resources and support for survivors. For this reason, I tend to stress the role of the community in positive BDSM experiences, and I encourage newcomers to seek out their local community. But lots of people don't have access to a local community at all, especially if they're not in a big city. Plus, lots of people have trouble enjoying their local community for whatever reason, perhaps because they have nothing in common with local S&Mers aside from sexuality, or because they don't have time to integrate into a whole new subculture.

There's also the unfortunate fact that point #2 sometimes reacts with point #1 in a toxic

way -- that is, it can ironically be harder for abuse survivors to talk about abuse within the BDSM community because the community is pushing back so hard against the stereotype of abusive BDSM. **I've spoken to BDSMers who feel that the S&M community pushes back far too hard, and that survivors are being aggressively silenced simply because the rest of us are so invested in fighting mainstream stereotypes.** I have never personally experienced this, but I would not be surprised if I did. And the fact is that I'm sure there are toxic dynamics in some BDSM communities -- we aren't a monolith, folks -- and that even in 100% awesome communities, I'm sure there are at least a few abusive relationships. And **even one abusive relationship in the community is obviously too many.**

As Thomas MacAulay Millar wrote when the most recent abusive BDSM case hit the media, "Our declaration that the abusers are not us has to be substantive." This is something we should be taking action on. But how?

* * *

Dynamics Within the Community

I have personally had excellent experiences within the S&M community. However, I am also pretty thick-skinned (unfortunately, this is partly due to lots of time spent working in a sexist industry); and I have a well-developed sense of my own boundaries. I am saying this not to sound self-congratulatory but because I believe that, due to being thick-skinned, I may be less bothered by actual harassment and pressuring dynamics than others are. Also, I am lucky enough that I've never experienced an assault. Therefore, it's incumbent upon me to listen to how other S&Mers -- especially female or genderqueer S&Mers -- feel about their experiences being pressured within the community.

There are issues that even I have noticed. For example, I think that there is a distasteful tendency to talk about "real BDSM" or "serious BDSM," as if some S&M is more legitimate than other S&M. That's wrong and dangerous because it can make some people feel as though they have to push past their boundaries -- do things they aren't comfortable with -- in order to be accepted, liked, or seen as "real." On the rare occasions that I encounter this, I try to point out the problems right there and then. **There is no such thing as "more real" and "less real" S&M. The only truly important part about any S&M activity is that it happen among enthusiastic, consenting adults.**

Thomas once wrote to me by email that "I tend to think that the dynamics of abuse in the community are a combination of the desire to avoid washing our laundry in public, patriarchy colonizing our own, and the usual thing in small communities where people's willingness to do the right thing in theory bumps up against their personal friends and loyalties." I completely agree. I'd add that similar issues arise in almost all small communities, and it's not fair to blame S&M in itself for these problems. At the same time, though, **it's incumbent upon all BDSMers to contribute to an environment where people who don't want to participate can easily say "no", and can rely on being supported by others when they do**.

* * *

Existing Anti-Abuse Initiatives in the BDSM Community

Finding existing initiatives is a bit of a piecemeal project, but here's what I've run across.

* **A variety of pamphlets and written statements.** One example was released by The Network/La Red, a rather unique anti-abuse organization for lesbians, bi women and trans people. One panel of the pamphlet shows a picture of handcuffs, and the text says:

*The most basic difference between S/M and abuse is **Consent**.*

It is not consent if...

* *You did **not** expressly give consent.*

* *You are afraid to say **no**.*

* *You say **yes** to avoid conflict.*

* *You say **yes** to avoid consequences (i.e. losing a job, losing your home, being outed).*

S/M is...

* *Always consensual.*

* *Done with respect for limits.*

* *Enjoyed by all partners.*

* *Fun, erotic, and loving.*

* *Done with an understanding of trust.*

* *Never done with the intent to harm or damage.*

Just because you consent to play does not mean you consent to everything. You have the right to set limits.

(You can look at images of the pamphlet on my Flickr account.)

Some SM organizations have also released statements on SM and abuse, such as the national Leather Leadership Conference and New York's Lesbian Sex Mafia. Note that at the bottom of the LSM page, they mention that they've sensitized a local abuse hotline; if I ever get a grant or something to start a pro-sex anti-abuse center, I'll immediately grill the LSM to see how they got in with that hotline and what they said.

* **Kink Aware counselors.** I talk about this all the time, but I think it bears repeating as often as possible. The National Coalition for Sexual Freedom maintains an online list of Kink Aware Professionals, which is a grassroots effort begun by writer/activist Race Bannon and includes doctors, lawyers, and therapists. The list is pretty much open and opt-in -- professionals go to the KAP site and offer to list themselves there -- and this is one reason it's not a good idea to assume that any given professional will be a great fit for you. Personally, when I was coming into my BDSM identity, I found a Kink Aware therapist to be incredibly helpful -- but while I was finding him, I visited another therapist who was not at all helpful.

When people ask me for kink-friendly survivors' resources, I always tell them to seek a

KAP therapist first.

* **The annual Alternative Sexualities conference.** This is a comparatively new effort from the Community-Academic Consortium for Research on Alternative Sexualities. They describe it as "a conference for clinicians and researchers, addressing issues around BDSM/Kink sexualities and consensual non-monogamies." 2012 will mark the fifth Conference on Alternative Sexualities. I was on a panel at the 2009 conference in Chicago, and I thought it was pretty awesome, but I am obviously biased.

* **Community workshops.** Most BDSM communities in large cities have educational workshops. These teach SM-related ideas or skills such as community etiquette, how to use various types of equipment, etc. Every SM workshop I have ever attended has emphasized careful negotiation and has, at the very least, mentioned safewords. One workshop -- "The Emotional Aspects of BDSM Play," taught by San Francisco's EduKink -- gave a detailed list of ideas for how to tell BDSM from abuse, which I wrote down:

1) Consent. BDSM is consenting; abuse is not.

a) Assuming consent was given -- was it informed consent? Did everyone know what they were consenting to?

b) Was consent coerced or seduced from the partner? Did everyone feel like they could say no if they wanted? Was anyone worried about suffering negative consequences if they said no?

2) Intent. A BDSM partner intends to have a mutually enjoyable encounter; an abusive partner does not.

a) Did everyone leave the scene feeling somewhat satisfied?

3) Damage. A BDSM partner tries to minimize the actual damage inflicted by their actions; an abusive partner does not.

a) Did the two partners learn what they were doing before they did it? Did they learn how to perform their activities safely?

b) Were the partners aware of the potential risks of their activities?

4) Secrecy. Abuse often happens in secret. This is the hardest one on this checklist, because -- due to the fact that BDSM is a very marginalized, misunderstood sexuality -- BDSM often happens in secret, too. But this is one of the benefits of having an entire subculture that deals with BDSM: we try to look out for each other.

a) Were the two partners involved in the local BDSM scene? Did they get advice from knowledgeable, understanding BDSM people during rough patches in their relationship?

I've heard of one or two workshops specifically focused on "BDSM for Survivors." I've also heard of support groups for BDSM-identified survivors of abuse, but I've never run across one in person. I've said this before, but I'll say it again: I believe that the safest place to have a BDSM relationship is within the BDSM community.

* * *

My Fantasy Sex-Positive, Anti-Abuse Program

You can tell from the above list that relevant community efforts have focused on raising internal awareness, consolidating useful information, and educating. If I were to get a grant or something (ha!), I would certainly look for ways to use it on a dedicated pro-sex, anti-abuse initiative, hopefully more expansive than a hotline, and considerably more extensive than a pamphlet. I've never developed this thought too extensively -- I hate to torture myself when I know there's no money for one of my ideas -- but I know I'd want my Dream Anti-Abuse Team to have the following qualities:

* BDSM is obviously my main interest, because that's how I identify the core of my sexuality. But I have a strong interest in destigmatizing all forms of sexual expression practiced by consenting adults. Everyone involved in my initiative would emphasize that **people of all genders and sexualities could come for help -- whether straight, gay, lesbian, bi, trans, asexual, BDSM, sex worker, polyamorous, swing, or whatever amazing fetish could conceivably come up.**

Ideally, I would personally try to shock the hell out of anyone before I agreed to work with them... because anyone whose face twists up or who gasps at the idea of any kind of consensual weird sex is a person who shouldn't be anywhere near altsexual abuse survivors.

* I'd want **destigmatizing alternative sexuality among the mainstream, especially mainstream anti-abuse organizations,** to be a major focus -- so that abuse survivors could feel less anxious about being misunderstood while seeking help. So I'd need people who were willing to go out and charismatically shock the abuse officers at police stations, feminist organizations, college campuses, etc. I'd want us to be running everything from anti-stigma poster campaigns to sex communication workshops.

* I'd want the program to be **well-advertised to the general public, so that people who aren't in the community -- yet who are practicing S&M or poly or whatever on their own -- could still find us**.

* Of course we'd also do the more traditional work of offering walk-in counseling to abuse survivors, including help making a concrete plan, altsexual-friendly legal advice, and so on.

So.

Anyone willing to fund my Dream Team?

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2011/01/16/the-alt-sex-anti-abuse-dream-team/

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Section 1 Study Guide

A regular reader who goes by SnowdropExplodes suggested that I add "study guides" to the end of each section of this book in order to pull it together, and I thought it was a good idea. (See why I love my readers?) I'm sure that others could find this insufferably patronizing, however; if you're one of them, feel free not to read the guides! I'm just trying to offer questions for further thought, and give some insight on why I organized this book the way I did. This section was intended to pull together the ideas I see as "basic" or "building blocks" for feminist sex, both in theory and in practice.

* * *

1. Have any of these pieces felt relevant to how you communicate with your partners? Have any pieces felt irrelevant or incomprehensible? Can you see any overarching themes that guide which ones felt relevant, and which ones felt incomprehensible?

1a. If you could give your partners one piece of advice about communicating with you, what would it be?

1b. Are there areas of communication that you feel you need to work on? (For example, Clarisse often thinks that she should work on her non-verbal communication, and has occasionally had trouble being direct with her partners about what she wants.)

1c. What ideas about sex and communication do you think you've absorbed from friends, parents, and your larger cultural environment?

* * *

2. What stereotypes do you see acting on your sexuality?

2a. Have you come up with any mental tactics for thinking around those stereotypes? What are they? (For example, Clarisse sees the "S&M superpowers" concept as a positive way of framing S&M, so it doesn't feel "broken" or "dark.")

* * *

3. Are there any areas of your sexuality where you feel trapped or stalled? Can you think of ways that you want to move forward on those, or do you think it might be a good idea to take some time off from those activities instead?

* * *

4. If you were feeling anxious about a relationship or uncertain about your boundaries, who would you turn to in order to talk about that? Do you have friends (online or offline) or other resources where you could find advice?

4a. Are there unique problems affecting abusive relationships within the communities you frequent? How do sexual stereotypes affect how you and your friends perceive both positive relationships and abusive relationships?

* * *

5. What are the overarching patterns that you see within the pieces in this section? How are these disparate topics relevant to each other?

5a. Is consent complicated?

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SECTION 2:

Activism and Allies

In which we explore activism and other topics tangentially related to S&M feminism -- from sex work, to polyamory and monogamy, to the nature of masculinity.

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When I think of this section, I think of:

Abuse of power comes as no surprise.

~ Jenny Holzer

I think of Clarisse as the John Stuart Mills of sexuality.

~ one of my ex-boyfriends

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ACTIVISM:

[theory] Grassroots Organizing For Feminism, S&M, HIV, and Everything Else

I wrote this in March 2011 for Bitch Magazine's *Feminist Coming-Out Day Blog Carnival. The goal was to talk about feminist "click" moments, and my entry was predictably wide-ranging and idiosyncratic.*

* * *

Grassroots Organizing For Feminism, S&M, HIV, and Everything Else

Earlier this month, my sex-positive documentary film series screened *Jane: An Abortion Service.* The film tells the extraordinary story of "Jane," an underground network of women in Chicago who provided thousands of safe abortions in the years before abortion was legal. It was totally inspiring.

Jane was started accidentally by a woman named Heather Booth. Booth was a student at the University of Chicago in the late 1960s when another woman came and asked her --

secretly, of course -- whether she knew any abortion doctors. Heather Booth found one, and she also found that other women started coming to her for references.

As one woman in the film put it, in those days, women who sought abortions were all "hysterical and desperate and scared": if you needed an abortion, you knew you would have to come up with some fabulous amount of money and take a life-threatening risk. Some women committed suicide when they got pregnant instead. Information about abortion was at a premium.

So Heather Booth began looking for abortion doctors, and better than that, she started **vetting** them. After finding the doctors, she sought testimonials about those doctors. Common problems with abortion doctors ranged from being rude to actually assaulting their patients; some doctors, who already charged sky-high prices, would demand more money at the last minute. Booth kept a list of abortion doctors who didn't do those things. Pretty soon, there were other women who had her list too, and they were vetting doctors and spreading the word as well. The group also provided counseling before and after the procedure, letting the patients know what they could expect -- physically and emotionally. They called themselves "Jane": a woman who called them and asked for "Jane" was seeking an abortion.

After some time, the women of Jane figured out that abortion isn't a complex procedure, and they convinced a doctor to teach them how to do it safely. And then they taught each other. So then they didn't have to refer patients to doctors: they did all the abortions themselves, and they did them for whatever the patient could spare rather than charging prices that were out of reach for many women. Jane members continued to provide emotional support, as well: in the documentary, one member reminisces about how she would have patients over to dinner with her kids and talk to them for a while before performing the procedure. It got to the point where doctors and medical students sent women to Jane, rather than getting referrals from Jane.

That is positive activism. That is building the world we want to see.

When abortion was legalized in 1973, the group quietly disbanded. Some members of Jane went on to be involved in other parts of the feminist movement or to found respected women's health organizations.

It's not that Jane had no problems; the organization was not transparent, for example, and it sounds like there was a fair amount of gossip and internal difficulties. These are typical issues within small groups, and the stigma and anxiety of what they were doing can't possibly have helped, but still, it's important to work against those problematic patterns from the beginning. It's worth it, I think; I'm increasingly convinced that the most positive direct change can be traced to small, grassroots, community groups. Which means that making sure your small, grassroots community group is egalitarian but well-organized can have ripple effects all down the line.

Another example of such a group might be Chicago's Rape Victim Advocates. RVA was established in 1974 by doctors and nurses who were appalled by how badly rape survivors were treated in the emergency room. Back then, there was no public understanding of how traumatic rape could be, and little understanding of survivors'

experience, even from police and doctors. (An older female friend of mine who was raped in 1970 once told me that she tried to talk to a psychiatrist about what happened. He sighed and said, "Really, do you think that's important?") Rape Victim Advocates has always been a network of volunteers who are on-call to come and talk to rape survivors, but since 1974, it has also developed from a fragile activist group into one with funding and political presence.

And on a somewhat different note, S&M community organizing is really quite good. A lot of people don't realize that most S&M community dungeons (unlike the professional dungeons run by sex workers) are nonprofit organizations, kind of like community centers. (No, seriously.) People don't just go to community dungeons to do S&M -- they also go to community dungeons for discussion groups or educational workshops, to learn how to perform certain activities safely.

Much like Jane, the S&M community has also created a network of necessary references: the Kink Aware Professionals list. If you've read my work before, you've probably read about this list, because it had a huge impact on my life and I like to spread the word. S&M activists in San Francisco realized, years ago, that there was a need for lawyers and doctors who understood their lives and wouldn't stigmatize their choices, so they wrote three names on a piece of paper and passed it around. Now, the Kink Aware Professionals list is an international online directory hosted by the nonprofit National Coalition for Sexual Freedom.

Again, it's not like there are no problems in the S&M community; people gossip, people backstab, people fuck up. There's little vetting process for educators or for people who list themselves on Kink Aware Professionals, and a lot of people run kink classes at least as much from a desire for status as from a desire to educate. But still, I think the S&M community is engaging in positive activism... more than a lot of us even realize.

This was a lesson that really hit home for me when I spent a year in Africa working on HIV mitigation. One of the reasons international aid is so complicated is that figuring out how to help a community that's not yours is incredibly hard. A lot of well-meaning Americans (including myself) go abroad with little understanding of how hard it is. The reality is that assisting with, for example, public health in a foreign place entails learning the social fabric of that country in a way that outsiders can only do with tons of sustained effort... and we're **still** unlikely to be as good as someone who grew up there. One of the reasons -- maybe the biggest reason -- I left was that it was **so obvious** to me that I was a better activist in the USA... even when I wasn't trying to do activism. (When I was there, I received one letter from an American girl asking for advice on how to do African activism. My advice to her can be summarized as, "It's harder than you think, and you might consider staying home where you're awesomer.")

When HIV began destroying the gay community, the most effective and important measures to curb it came from people like Richard Berkowitz, the actual gay activist who wrote a safer sex pamphlet on his home typewriter and then distributed it by hand. They saw a need and they did something about it. Just like Jane. Just like S&M educators.

You are probably already part of more communities than you might realize. If you go to a university, you're part of that community. Whether you live in a city neighborhood or a

small town, you're part of that community. If you go to particular clubs, you're in those communities. There may be aspects of your identity that could align with a community as well: for example, if you read science fiction there are conventions for that (although of course, identity communities don't always work for everyone with that identity). These are places where your knowledge already makes you powerful... so keep an eye out for needs. (It's also worth considering getting involved in an intentional community. I'm kind of psycho about housing co-ops, for example, because they are awesome. I personally am a member of North American Students of Cooperation, but there are other groups, and there are also independent co-ops that aren't part of larger networks.)

We live in an unstable and fast-paced age. I don't know how people in most other countries feel, but I know that here in the USA, there is a quite pervasive and quite justified anxiety among everyone I know in the middle class. Many of our safety nets are evaporating, and it's not at all clear that they will be replaced. But **no matter how much the people in power fuck us over, we'll never be totally screwed as long as we're not isolated and we talk to each other.**

One of the former members of Jane, a white-haired feminist with such powerful energy that she practically glows through the screen, says in the documentary: "Don't stay with people who tell you you're crazy and useless. Don't stay where you're weak." That's what I call an activist click moment: find the other people like you, and organize with them. That applies to feminism, it applies to sexuality, it applies to public health. Go where you're strong and make your people stronger.

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2011/03/29/grassroots-organizing-for-feminism-sm-hiv-and-everything-else/

The film Jane: An Abortion Service *is available from the distributor Women Make Movies:*

http://www.wmm.com/filmcatalog/pages/c410.shtml

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ACTIVISM:

[storytime] Interview with Richard Berkowitz, Star of *Sex Positive* and Icon of Safer Sex Activism

Richard Berkowitz is an interesting guy. He was active in the gay community in the 1970s and 80s as an S&M sex worker, so he's got plenty of experience with all kinds of sexual history. Not only that, but he also wrote the very first safer sex pamphlet ever, when HIV began storming through the gay community. The pamphlet was called "How to Have Sex in an Epidemic"; Berkowitz literally wrote it at home on his typewriter and

then distributed copies by hand. Then he was slammed by his own community for doing so... well, read on and learn more about what happened next.

I was honored to interview Berkowitz in early 2009. I really love it when I get the chance to talk to boundary-breaking activists who were around before I was born, especially if their domain is sexuality. I feel a combination of both exhilaration and despair during these discussions -- exhilaration because I learn how far we've come, and despair because I can see how we keep making the same mistakes again and again and again.

* * *

Interview with Richard Berkowitz, Star of *Sex Positive* and Icon of Safer Sex Activism

Our second film at my awesome sex-positive film series was *Sex Positive,* a fascinating documentary about the history of safer sex. I'll be honest: I was psyched about *Sex Positive* from day one, long before I'd even seen it. It was the first film I chose for my film list. In fact, the whole idea for the film series came out of a conversation I had with Lisa (our lovely Hull-House Museum education coordinator) in which I said that I wanted to see *Sex Positive,* and then added, "There are so many sexuality movies I want to see. You and I should have a regular movie night!" She looked at me and said thoughtfully, "You know, I bet people besides us would come to that...."

Sex Positive tells the story of Richard Berkowitz -- and how he was one of the first to spread the word about safer sex in America. Berkowitz, a talented writer, started out as a hot-blooded participant in the promiscuous gay bathhouse culture; later, he became an S&M hustler (i.e., a sex worker). When AIDS started decimating the gay community, Berkowitz was instrumental in teaching his community (and the world) about safer sex. As it became clear to some medical professionals that sexual promiscuity spread AIDS, Berkowitz tried to tell the world about their findings. But there was a huge backlash against him -- because in those days, the promiscuous bathhouse culture was seen by many gay men as a huge part of identifying as gay and sex-positive... and anyone who argued against it, or tried to modify it, was therefore cast by many people as sex-negative.

After we screened *Sex Positive,* I reviewed it on my blog, and Richard Berkowitz himself read the review! He left a comment offering feedback, and I was so thrilled and honored to hear from him that I emailed him right away. We talked a little bit, and met in person last time I was in New York City -- and I practically begged him to let me interview him by email. Here's the results: a discussion of Richard's history with S&M; what he thinks about advocacy; his feelings about the gay community and its history; and where he finds himself in his life right now.

Clarisse Thorn: In *Sex Positive,* you mention that you didn't initially think of yourself as a BDSM type, but that you had partners who convinced you to do it. Do you think you would have gotten into BDSM if you hadn't had partners pressuring you to do it? Do you think you would have gotten into it if you hadn't been able to make money at it?

Richard Berkowitz: I was filmed talking in three- to four-hour sessions over the course of a year about difficult, often painful, personal history. At times I felt uncomfortable, I

made mistakes, so there are moments in *Sex Positive* that I wish I could clarify -- but it's not my film. That's why I'm thrilled that you're giving me the first opportunity to address the moments that make me cringe when I see the movie -- and what amazed me is that you nailed most of them.

Me -- pressured into S&M? Hell, no. I stumbled across BDSM porn in college, and was both appalled and more turned on than I was to any other porn. I pursued a few experiences as a novice when I was in college, and I was completely turned off to the scene for years. The few Tops I met were clumsy, distracted by fetishes that bored me, and I was convinced a bottom could easily get hurt -- so I walked away.

When I began hustling in NYC, I was an angry activist and it attracted S&M bottoms that were happy to teach me what I could do with my anger that was erotic and consensual. To that I added what I had learned that Tops did wrong -- and presto! I got really good at it fast -- and I loved it. I was doing two or three scenes a day, but because I could often steer a scene to what turned me on, it felt more like play than work.

If I hadn't had been trained as a Top by older, experienced bottoms who were hiring me, I still would have had S&M experiences on my own. But I doubt that I would have gotten as heavily into the scene if it wasn't for hustling. That's where I earned my S&M PhD.

In 1979, S&M was considered the fallback scene for aging hustlers -- it was what you turned to when you were losing your youth. There was such a dearth of good Tops. But I had the raw material to be a great Top at 23, and I built quite a reputation on word-of-mouth referrals and repeats. Many of my clients became close friends.

CT: Where do you place BDSM in your sexual identity and self-conception? Do you see it as deeply part of you, or something you chose? Do you think of your BDSM urges as coming from a place as deep, as intrinsic, as your gay orientation?

RB: I think it's too late for me to answer that question. Turning my libido into an occupation at 23 changed me in both good ways and bad. It would take a book to explain -- so let me just say that as a product of gay male sex in the 70s, there was an element of power intrinsic to the sexuality of the times. That shaped me. I don't see vanilla sex and S&M sex as mutually exclusive because I believe in Tops and bottoms -- and that's the basis of BDSM. "Tops and bottoms" are not exclusive to BDSM; the terms are widely used for assigning roles of power in sex in general. Gore Vidal said, "There is no such thing as gay and straight -- only top and bottom." I believe both are true.

But one shouldn't lose sight of the fact that a third of my living space for the past three decades was a sound-proofed dungeon.

I think that a culture like ours that's based on competition, as opposed to cooperation, can be extremely sadomasochistic. I think bad S&M can be found in many aspects of our daily life, and good S&M is just eroticizing aspects of being human that can enhance sex immensely for some.

CT: What kind of BDSM advocacy have you encountered? What kind of sex work advocacy have you encountered? What did you think of what you saw? Do you have any ideas about how to make those movements effective? Do you have any fears

about those movements? Would you consider being part of those movements?

RB: My only fear about those movements would be if they didn't exist! My neighbor down the hall for the past 25 years built my dungeon and was a co-founder of Gay Male SM Activists, but I always had too much hot sex going on at home to be interested in meetings. Plus, I never stopped feeling like a pariah in the gay community because of the attacks on me and my writing since AIDS began. You reach a point where you just assume people hate you because it's easier than trying to figure out who doesn't.

I fiercely support BDSM advocacy, but mainly from a distance. There's a limited number of body blows any activist can take before we just retreat. I had my fill -- but the response to *Sex Positive* and the new Obama era is nudging me out of my shell. I had a breakup a few years ago that devastated me, so I've been out of the scene for almost three years. Now I'm trying to reinvent myself, find one person I can retreat from the world with. I've never lied about S&M being an intrinsic part of my sexuality, and because of my early bad experiences with BDSM, I'm thrilled and inspired by advocates for it. If there had been BDSM advocacy when I came into BDSM, then I don't think I would have had the bad experiences I mentioned earlier. As a BDSM sex worker, I met so many men who had horrible tales of being hurt in scenes, and I did my best to be an antidote for that.

CT: On my blog, you commented that "Of course BDSM was a source of joy in my life but I put it aside when it robs me from having a platform to champion safe sex to the largest possible audience, which BDSM often has." Could you talk more about that?

RB: Smear campaigns are hard to pin down, and there's no way to know how much of the contempt against me or my writing was due to my BDSM, my sex work, my safe sex evangelism or simply me. I'm just a dangling pinata for people who have issues with sex!

There are gay people of my generation who are as uninformed and rabidly anti-BDSM sex as homophobes are about gay sex.

I can't think of anyone who has gone on film with such brutally honest testimony about their radical sexual history as I did in *Sex Positive.* It felt like a huge risk and you can see my anxiety in the film, but to me, this level of honesty is crucial to pro-sex activism. People are so dishonest about sex; many would never talk publicly about their private sexual behavior -- and they don't want others doing it either, so it's not easy.

There was a doctor I saw once when AIDS began who heard I was into S&M. As he went to take blood from me, he stabbed the needle into my arm. I bolted out of the chair screaming, and he said coyly, "Oh, sorry, I thought you liked pain." How can I not feel reticent talking about BDSM considering so many people I've met like that? And then I think, how can I not?

I've seen the most courageous pro-sex writers and activists attacked, pilloried and silenced because of their honesty in writing about their kinky sexual histories. I shudder when I recall the vicious smears against pro-sex feminists by anti-porn feminists back in the early 80s. I don't want to invite that bile into my life, especially now, when my circle of gay male friends are no longer alive and here to support me when I go out on a limb with my personal radical sexual issues in public.

So why did I speak out? Why do I still speak out? Because I owed so much to the army of men who loved and supported me over the years and no longer have a voice, and because gay men were dying. It was no time to be squeamish about sex. It still isn't.

CT: Do you have any regrets? -- and, concurrently, what are you most proud of? Did the making of the film *Sex Positive* bring any regret or pride to the surface for you?

RB: I have a few regrets about *Sex Positive,* but they pale next to what I've gained. I've been to more cities with this movie in one year than I've been to in my entire life. Young people have been extraordinarily supportive and kind, and it helps me to let go of the past. I've been stuck in the past for so long -- it's deadening, but I finally feel that this movie is breaking me free, to finally let go and move on to write about other things. For that, I'm forever indebted to Daryl Wein, the documentary's director.

What I'm most proud of is how much work I did on safe sex that no one even knows about. I'm putting it all on the Internet as a free archive, as soon as I can find or pay someone to help me with the technical stuff. I'm from the age of typewriters.

CT: Is there anything you'd like to add? Please feel free to also respond directly to points I made when I talked about *Sex Positive* on my blog.

RB: I loved S&M hustling before AIDS so much -- sometimes, when I talk about it, I become the part of me that tied people up and dominated them; it's like a mental erection. I get lost in the reverie of being an erotic, arrogant Top. I begged director Daryl Wein to delete me saying that clients would tell me that I could do whatever I wanted to them except fuck them, and then I would proceed to do just that. I said that when I was lost in a persona, and it makes me sound like a rapist!

The truth is, my most valued expertise as a hustler was teaching men who were afraid of getting fucked how to relax, how to douche, how to open up, how to explore the intense pleasures of receptive anal intercourse and anal orgasm without any pain. I would never rape or violate anyone's consent -- and certainly not customers I wanted to come back! I had tremendous empathy for how difficult it can be to learn how to get anally fucked because I was never able -- or had the desire -- to do it without being high on drugs. (You have to remember how pervasive recreational drug use was during the sexual revolution. There were articles in the gay press saying how cocaine was good for you. We didn't understand addiction then as we do now. And we paid a heavy price for that innocence and ignorance.)

When I began hustling in NYC, the lesbian and gay liberation movement was ten years old -- and about that mature. We grew up in such an intensely erotophobic and homophobic culture -- there was no way to escape it, even after we accepted that we were gay. We didn't always treat each other well, and it permeated our sexual expression whether it was vanilla or S&M.

You mention in your blog post that you are wary of how I talk about BDSM as arising from "self-loathing" and "insecurity" and negative cultural pressures on the gay community. Yes -- in S&M **and** in vanilla sex -- I saw how we brought a lot of the culture's contempt to what we did. But, as I say in *Sex Positive,* many of us came to

realize this, and we understood that a lot of sexual fantasies are socially constructed by the times that shaped us. Many of us came to realize that sexual fantasies don't diminish us as people -- they can actually help free and enrich us when we understand what we're doing.

I'm reluctant to put myself forward as a role model for BDSM and sex work, because of what happened to me after AIDS when I went back to hustling. I was furious that there was no place in the community for me to do safe sex education. I felt so hurt that some people only saw me as a sex worker/sadomasochist and that political differences got in the way of saving sexually active gay men's lives. You can't imagine the rage I felt that it took two entire years **after** we wrote and published "How to Have Sex in an Epidemic" for NYC to do its first safe sex campaign. I went back to hustling in such despair that I was an addiction waiting to happen, and that's what did.

In the end, though, BDSM and my love for it is part of what saved my life. If I weren't so busy hustling with BDSM before AIDS and safe sex, I would have spent much more time at the baths having high risk sex, and died long ago. I think each of us has a limit to how much sex and how many different partners our spirits can bear. Sex can become an addiction, and when you reach that point, people use recreational drugs to keep that level of hypersexual activity going. If I had found a place in safe sex education, my life would have been a much happier, healthier journey. But I never lose sight of how grateful I am to still be here, or how much joy and pleasure sexual freedom gave me until the world I loved started collapsing all around me and taking the men I loved along with it.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2009/03/23/interview-with-richard-berkowitz-star-of-sex-positive-and-icon-of-safer-sex-activism/

Check out Richard Berkowitz's web site to read more about him and investigate his book (which I admit I have not read), Stayin' Alive: The Invention of Safe Sex:

http://richardberkowitz.com/

And seriously, if you get the chance, watch Daryl Wein's awesome documentary Sex Positive:

http://www.sexpositive-themovie.com/

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ABUSE:

[theory] Social Responsibility Within Activism

I wrote this post in 2010 for Thanksgiving (the original post had a bunch of "thank yous" at the end, which I removed from this version). The questions here seem to be some of the

biggest recurring questions in my life. Later events have taught me a lot about work that has already been done on accountability within communities. In particular, I want to highlight the book The Revolution Starts At Home: Confronting Intimate Violence Within Activist Communities *(edited by Ching-In Chen, Jai Dulani, and Leah Lakshmi Piepzna-Samarasinha), which was published in 2011.*

But there's a lot of other work out there on how to deal with a perpetrator of violence without resorting to our corrupt and violent established prison system. People of color should be credited for much of this work, because communities of color are rarely well-served by the criminal justice system, and thus have particular incentives to seek alternatives. Sometimes, this field is called "transformative justice" or "restorative justice." Here is a post that links to a number of resources on transformative justice: http://clarissethorn.com/blog/2012/01/30/some-transformative-justice-links/

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Social Responsibility Within Activism

Tonight I had Thanksgiving dinner with my mother and her boyfriend. Some friends of my mother attended, one of whom is a lesbian who I'll call Kay. Kay attended dinner with her mother, who is unaware of Kay's sexual orientation. One of the reasons Kay's mom doesn't know about Kay's sexual orientation is that Kay's mom has already behaved quite badly towards Kay's elder sister, who is an out-of-the-closet lesbian.

I knew this whole situation going in, and one thing that struck me was how much of a nice person Kay's mom is. I mean... she's **really nice**. I mean, she clearly tries to be a good person. She also tried really hard to help me do the dishes. (I didn't let her because I wanted them all to myself.)

I've been thinking a lot lately about how to engage with people who have done bad things, or who are currently doing things I think are bad (like shaming their lesbian daughters). It wouldn't have been right to throw my sex-positive ideas on the table while talking to Kay's mom -- mostly because Kay specifically asked me not to, ahead of time. But. The most powerful tool for getting people to reconsider their stigma against alternative sexuality is personal engagement. Don't I have some responsibility here? Is there something I can do?

Other examples of this are rife. One very intense, very important issue I grappled with this week was having a friend email me to inform me that another friend -- someone I like and admire a lot -- has been credibly accused of sexual assault by a person who will never press charges. This has come up before in my life... every time it's a little different, and yet so many things are the same: a person is assaulted, the news gets out among friends, the survivor doesn't press charges, there is confusion among the friends about how to act, eventually things die down, and I feel as though I should have done more.

When I was in high school, one of my closest male friends raped a female acquaintance of mine. She didn't press charges and they later had a romance that was, to all appearances, consensual. I pieced events together slowly -- he did acknowledge what he'd done, though never directly to me. I didn't know what to do, at the time, and I still feel as though I should have done so much more. He and I were so close. I never had the nerve

to directly talk to him about what happened, because -- even though we never talked directly about it -- I saw evidence that he felt terrible about it, and I was sure that I could devastate him by talking about it more. But still... I should have talked to him.

I also feel as though I should have supported her more, but I don't know what I could have said. There were people who told her that she shouldn't be having a consensual relationship with her rapist. It seemed wrong to tell her that -- I felt like it eroded her agency, attacked her right to choose -- so I didn't say it. If I had said it, though, would that have been helpful to her? What could I have done to be a better resource for her? Especially given that I was such close friends with him?

I was young(er), but that's no excuse. Then again, what am I excusing? I did nothing. But I should have done more.

Now, again, I have a friend, a good friend, who assaulted someone. It's a friend in the local S&M community. I don't know the survivor at all. I have to talk to my friend about it, but what do I say, and what happens next? Feminism instructs us that we should listen to the voices of survivors, that community mores and community condemnation are what stops rape from happening. I believe these things to be true; and there are people close to me who have survived rape, and I really want to make sure I'm doing everything I can to ensure that rape stops happening. But I intensely wish that I had more guidance on what exactly to say, how exactly to act, to change the mores.

I emailed my ex-boyfriend Mr. Chastity for advice, because he's got one of the finest ethical minds I've ever been lucky enough to engage with. Here's part of what he wrote back:

I've tried to distill your messages into a few questions, and I ended up with "How does one parse a situation in which a friend, and an otherwise noble person, seems to have done serious wrong?" and "What are a person's moral obligations in this case?"

Nobody is composed of unmixed goodness or evil, no matter how much of a paragon/fiend 1) they seem to be or 2) their principles require. People we respect and love are not forces of nature or avatars of their cause of choice, no matter how thoroughly they embody it to us. I don't say this because I think you haven't considered it, but because I know I've had a lot of trouble absorbing it over the years and think it might therefore bear restating to others, too.

As an individual, a person has a relatively large degree of freedom in action and association. I think where this case becomes truly difficult to consider is when we bring in justice and the community. Because the means of enforcement of the rules of these communities is so interpersonal, one's interpersonal actions take on an unusual role of community-level justice as well as merely justice between two people. I can't see how it could ever be good to allow things like this to just slide. Honestly, I'm not sure what else you can do but (as you suggest in one of your messages) politely ask your friend about their take on the story. If nothing else, it will demonstrate that people are paying attention to this thing and might give you some insight into their character and opinions of the issue.

He's right. I agree. But. What now? How do I ask, what do I say? How can I tell if my

friend has dealt with whatever healing has to take place in order for such assaults not to happen again?

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This can be found on the Internet at:

http://clarissethorn.com/blog/2010/11/26/social-responsibility-activism-and-giving-thanks/

It is really worth reading about work that's already been done on transformative justice:

http://clarissethorn.com/blog/2012/01/30/some-transformative-justice-links/

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BOUNDARIES:

[storytime] Taking Care Of Each Other

This was originally published in 2012 at the girl-power site OffOurChests.com.

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Taking Care Of Each Other

As a sex educator, I think a lot about how to teach boundaries. I try to come up with exercises, stories, maxims that could help people respect their own bodies, minds, and desires; and of course I also think about how to encourage people to respect others' boundaries. But the biggest influences on a person's boundaries have nothing to do with what I teach. Good boundaries are (hopefully) demonstrated by parents, influenced by friends, and encouraged by partners.

Within a community, though, I also think it's really important not to tell people what to do. I believe that it's crucial to be a good resource for the people close to us, without trying to force them to do what we think is best. That way, we can both build trust and foster independence. On the other hand, sometimes it's hard to know how to do that when I know more about a certain subject than someone else. It is so powerfully tempting to tell them what I think they should do!

I was thinking about this recently when, out of the blue, I remembered something that happened when I was 16 or 17. I'd just had a nasty breakup, I was really unhappy about my ex, and I was trying marijuana. I had never smoked before.

There were a bunch of other people my age present -- including a guy who'd been flirting with me for a while. When he passed me the marijuana, he kissed me. I kissed back. I wasn't attracted to him, but I felt so empty and hurt, and I guess it was reassuring that someone wanted me, despite the fact that my ex-boyfriend didn't.

Also around was a girl who I'll call Lena. I had always seen Lena as tough and no-

nonsense, but I didn't know much else about her. I think she probably considered me a bit naive. Anyway, Lena watched the situation and my body language; she knew that it was my first time smoking. A few minutes later, she took me aside. I don't remember the exact conversation, but I seem to recall that it went something like this:

"Clarisse," Lena said, "how are you feeling?"

"I'm not sure," I said. Truth be told, I felt a bit numb.

Lena looked directly into my face. "How far do you want to go tonight?" she asked.

I looked away. I felt embarrassed because she seemed so composed. I felt like an airhead compared to her. We were standing next to a wooden wall, and I pretended to study the wood-grain. "I don't know," I said vaguely.

"If you can tell me how far you want to go tonight," Lena said firmly, "then I'll make sure nothing goes past that. Do you want to keep making out? Do you want to do more than make out?"

I traced a knot in the wood with my finger. "Making out," I decided.

"Okay," Lena said, and nodded. I don't remember if she said anything else, but as she took me back to the group I still felt a little embarrassed -- and also incredibly relieved.

I wonder if I ever thanked Lena? I should have; maybe I'll try to find her on Facebook or something. Because I really did feel a lot safer that night, knowing that Lena was looking out for me. I made out with that gentleman a little bit more, but after a while I put a stop to it, and nothing else happened.

Maybe if Lena hadn't been there, I still would have had the wherewithal to stop making out with him; or maybe I would have felt so confused, anxious, numb that I let it go further. (And I can tell you for sure that I'm glad it didn't go further.) Or, God forbid, maybe if she hadn't been there then I would have been actively pressured into something that I actively objected to.

Before that, it had never occurred to me to set a clear boundary before I hooked up with a guy. That's an important lesson in itself! Even more importantly, though, Lena didn't tell me what to do. She didn't say anything about how I should be sexual, or who I should do it with. She didn't shame me for what was up. She just asked me what I wanted, and then she offered me her support.

Certainly, Lena is just one small piece in the puzzle of my life. But I still remember her, and I admire and thank her. My parents have offered me a lot of support throughout my life, both in my relationships and otherwise. I've had partners who helped show me what it means to create a low-pressure sexual environment, or who helped me learn clear sexual communication. Still, Lena stands out in my mind -- someone I barely knew, yet someone who helped show me what it means to be among women who stand up for each other and help preserve each other's boundaries.

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This can be found on the Internet at:

http://offourchests.com/taking-care-of-each-other/

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MANLINESS:

[theory] Questions I Want To Ask Entitled Cis Het Men

I wrote this piece in 2009. It was the culmination of years I'd spent thinking about masculinity, manliness, and men's gender role. I was relatively new to blogging, and I hadn't yet established myself. I thought that the most controversial things I would ever write would be about S&M. I was wrong.

I published this in three parts, and it got a huge response. The major feminist blog Alas! A Blog *asked to repost it, for example, but there was a much bigger reaction among non-feminist and anti-feminist men. Some wrote responses with titles like "Answers for an Entitled Feminist." Others actually came over to my blog and engaged me, with varying results. It kicked off a long, dense discussion in my blog Comments section, which lasted for over a year and thousands of comments. I wrote a number of followups, including some that got me labeled "brainwashed by the patriarchy" by other feminist women.*

Some of the guys I was talking to got me interested in the "pickup artist subculture" or "seduction community" -- a group of men who trade tips, tricks, and tactics on how to seduce women. Eventually, I did an in-depth investigation of that subculture and wrote the book Confessions of a Pickup Artist Chaser: Long Interviews with Hideous Men, *which contains some of my best work on masculinity, communication, and sexuality. You can buy that on Smashwords at this link:*
https://www.smashwords.com/books/view/144451

One thing I've discovered over the last few years, as I learned more about the history of feminism, is that there are excellent reasons why most feminists are unwilling to talk about men's problems. There's a ton of politics involved, and a lot of very justified fears about the political ground we could lose. We still have a long way to go when it comes to gender equality. But I do believe that those fears are often overblown.

And I've also discovered that there's a subgroup of feminists that's much more likely to be open to talking about men's experience: it's the sex-positive feminists, especially the S&M feminists. To be sure, there are exceptions. Plenty of S&M feminists see no reason to discuss men's experience, and of course, plenty of S&M feminists don't like my writing in particular. But most feminist essays I've found about masculinity were written by women who openly admitted that they were into S&M -- Gayle Rubin, author of the pioneering sexuality essay "Thinking Sex," is one good example. Maybe the S&M feminists are the ones most likely to intuitively understand that power is never a one-dimensional picture or a one-way street.

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Questions I Want To Ask Entitled Cis Het Men, Part 1: Who Cares?

Why do I care about masculinity?

I'm rather perverted, but not enormously queer. I present as femme, and -- although I've been known to tease my sensitive (frequently long-haired) lovers for being "unmasculine" -- I fall in love with men. I'm hardly one to go for the "manly man" type, but at heart, I love knowing that I'm fucking a man.

However, because I'm cisgendered and straight, I feel profoundly at a loss when trying to articulate problems of (for lack of a better phrase) "Men's Empowerment." The issues don't feel "native" to me; I've intersected with these questions mainly through the lens of lovers and friends. Watching their struggle is demoralizing, but trying to imagine how I can give them feedback is more demoralizing.

A male friend once wrote to me, "I think you personally find expressions of masculinity **hot**, but you also have no patience with sexism. You've caught on that it's tricky for men to figure out how to deliver both of these things you need, that you don't have a lot of good direction to give to fellas about it, and that neither does anyone else."

So:

How can men be supportive and non-oppressive while remaining overtly masculine?

On top of my limited perspective, there's been an echoing lack of discourse -- that is, very little mainstream acknowledgement of the problems of masculinity. The primary factor in that silence is that normative cis men themselves tend to be flatly unwilling to discuss gender/sex issues. Often, their first objection is that the discussion is neither important nor relevant. This is true even within subcultures centered around sexual analysis, like the BDSM world -- I once met a cis male BDSMer who said, "Why bother talking about male sexuality? It's the norm. Fish don't have a word for water."

But *if masculine sexuality is water and we're fish, why doesn't that motivate us to examine it more -- not less?*

Don't get me wrong: I agree that America's sexual conceptions are centered around stereotypical male sexuality, and I agree that this is damaging and problematic. Believe me, I'm **furious** that it took me many years to reconceive "actual" sex around acts other than good ole penis-in-vagina penetration! But if American stereotypes and ideas of sexuality are male-centered, then surely that makes it **more** useful for us to be thinking about male sexuality -- not less.

And those male-centered ideas of sexuality aren't centered around all men -- just stereotypical men. LGBTQ men are obvious examples whose sexuality falls outside the norm; fortunately for them, they've created some spaces to discuss that. But there are lots of other non-normative guys who aren't gay or queer, yet feel very similar sexual alienation -- and because there's so little discourse about masculinity outside LGBTQ circles, they usually just don't talk about it.

What does it mean to be a cis het man whose sexuality isn't normative? Which straight cis guys don't fit -- and hence, feel alienated from -- our current overarching sexual

stereotypes?

Guys who identify as straight BDSM submissives are one fabulous example of non-normative men who are frequently alienated from mainstream masculine sexuality, but who often don't have a forum. Men with small penises are a second. There are lots of others. In the words of sex blogger and essayist Thomas Millar: "The common understanding of male sexuality is a stereotype, an ultra-narrow group of desires and activities oriented around PIV [penis-in-vagina], anal intercourse and blowjobs; oriented around cissexual women partners having certain very narrow groups of physical characteristics."

Still, that doesn't mean that straight, dominant, big-dicked dudes who love boning thin chicks feel totally okay about the current state of affairs. It just means they tend to have less immediate motivation to question it. They also have less of an eye for spotting gender oppression, because -- though they've got their own boxes hemming them in -- they're still more privileged than the rest of us, and the nature of privilege is to blind the privileged class to its existence.

A male submissive once told me, "Lots of heteronormative men know something is wrong with the way we think about sex and gender. I can see them struggling with it when we talk. They can't put their finger on it; they have a hard time engaging it. But I engage it all the time; I have to, because my sexuality opposes it."

When is it to a man's advantage to examine and question masculinity and stereotypes of male sexuality? Which men are motivated to do so?

It's tempting to assert that men whose desires fit neatly (or at least mostly) within the stereotype have it made -- after all, their sexuality works within the norm so many of us struggle to escape. But I've had this assumption corrected several times, usually by smart "stereotypical" men themselves. At one point, while developing a sexuality workshop, I sent the outline to a bunch of friends. The original draft contained this paragraph: "Our sexual scripts favor a certain stereotype of men and male sexual pleasure, which makes it hard for women to figure out what we really want and what we really enjoy, and also makes it harder for non-stereotypical men to figure that out." One friend sent that paragraph back, having quietly appended: "... as well as for stereotypical men to discover or explore new desires beyond the stereotypical script."

When we discuss the limitations around sexuality from a non-normative perspective, how do we exclude normative people who might develop themselves in new directions if they had the chance? What do normative men stand to gain by thinking outside the box about masculinity and sexuality?

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Questions I Want To Ask Entitled Cis Het Men, Part 2: Men's Rights

In the 2006 documentary "Boy I Am", a trans man talks about how one of his mental barriers to transitioning was the fact that after transition, he would be a "white male." And, he laughs, the "last thing in the world" he wanted to be was a white male!

A year or two ago, I attended a lecture by Jackson Katz, a rather overtly masculine, cis

male anti-abuse educator who lectures in colleges around the country. Bullet-headed and aggressive in stance, he said a lot of valuable things -- particularly about how men ought to take ownership of problems we traditionally consider "women's issues." It's certainly true that if we want to end male abuse of women, men must participate in the movement. But although Katz discussed some issues of masculinity, I heard little about how we can make things better for men. His proposition of a men's movement was centered around correcting the things some men are doing wrong.

Although they're often watered down, many feminist concepts have gone mainstream. For instance, Americans have some consciousness of traditional feminist critiques about how women's bodies are represented in the media. Indeed, that consciousness has become so endemic that, in a grandly ironic twist, marketers now capitalize on it to sell beauty products: the nationwide Dove Campaign for Real Beauty attempts to **use deconstruction of the media's representation of women** to sell Dove soap. Americans are also quite aware of men as the privileged class -- sometimes regarded outright as the oppressors.

But this shift in awareness about gender issues faced by women has not been accompanied by a widespread understanding of gender issues faced by men. And that creates situations like an activist working towards a masculinity movement that talks mainly about how men are hurting women, or a trans man who has trouble with the idea of transitioning partly because he doesn't want to be a white man -- one of the oppressors.

How can awareness of oppressive dynamics make it difficult for men to own their masculinity? Does male privilege ever make life harder for men? When does male privilege blind us to oppression of masculinity? There's some mainstream awareness of gender issues faced by women; is there any similar awareness of the problems of masculinity?

A good friend of mine first caught my attention by talking about gender. We encountered each other at a BDSM meetup, and when I mentioned that I'd been thinking about the boxes around masculine sexuality, he launched into a rant about oppressive sexual dynamics. He gave me references to complex sexuality blogs and intelligently used words like "heteronormative" and "patriarchy." But a month or so after we started talking, I mentioned his interest in gender issues... and he gave me a puzzled look. "I'm not really into gender studies," he said.

He talks about sex, gender and culture all the time -- but he also specifically identifies as highly masculine, and felt that to be at odds with identifying as someone who questions masculinity. As Thomas Millar writes in his aforementioned article: "There's a huge unstated assumption that to even address the question [of male sexuality], for men, is to mark one's self as 'other.' ... cis het men are brought up to fear that their masculinity could ever be called into question. By even opening up a dialog, I think some folks fear that they are conceding that their sexuality is not uncontroversial."

Men currently experience this problem in a way that women do not. In other words, women don't risk being seen as unfeminine as easily as men risk being seen as unmasculine; nor do we have quite the same fears about it. In 2008, a group of researchers published a paper called "Precarious Manhood." Their concluding statement:

"Our findings suggest that [so-called] real men experience their gender as a tenuous status that they may at any time lose and about which they readily experience anxiety and threat." Earlier in the paper, they wrote that -- although "our focus on manhood does not deny the importance of women's gender-related struggles" -- "Women who do not live up to cultural standards of femininity may be punished, rejected, or viewed as 'unladylike,' but rarely will their very status as women be questioned in the same way as men's status often is."

When is it to a man's disadvantage to publicly examine and question masculinity? Surely the mere act of questioning and examining gender does not make a man less masculine; how can we work against the perception that it does?

At the same time, though, this isn't a "with us or against us" situation: men who don't choose to identify as non-normative also don't tend to join the "opposition." By "opposition" I mean folks like "Men's Rights Activists" (on the Internet we call them MRAs). MRAs -- at least according to my stereotype of them -- are conscious of social and legal disadvantages suffered by men, such as the fact that men are at a severe disadvantage in child custody cases; at the same time, they're blind to male privilege. It's a deadly combination. My personal favorite MRA quotation ever is, "White men are the most discriminated-against group in the country." Mercifully, MRAs are a fringe group, but they make a big impression.

My "not into gender studies" friend once told me that although he frequently deconstructs problems of masculinity in the privacy of his own mind, he doesn't like to publicly have those conversations because he doesn't want to sound like an MRA. He said, "A lot of the time, men who want to think seriously about masculinity won't talk about it aloud because we really don't want to be **that**." He later added, "It's very tricky to discuss masculinity yet avoid simply devolving into male entitlement. That's the crux of the problem with the 'Men's Movement' assholes -- none of them are addressing the underlying problems of masculinity. They're just whining about not receiving the privileges their cultural conditioning tells them to expect."

How do the current "men's rights movements" discourage men who might, in a different climate, be very interested in discussing masculinity? Assuming men can reclaim the "pro-masculinity movement" from MRAs, do any men feel motivated to do so? Can men occupy the middle ground between MRAs and LGBTQ, feminist, or other leftist discussions of gender -- that is, can men find space to discuss masculinity without being aligned with "one side or the other"?

All too frequently in radical sex/gender circles, the theme has been blame. Men in particular are excoriated for failing to adequately support feminism -- or criticized for failing to join the fight against oppressive sex and gender norms -- but few ideas are offered for how men can be supportive and non-oppressive **while remaining overtly masculine**, especially if their sexuality is normative (e.g., straight/dominant/big-dicked).

There are fragments: some insight might be drawn from the ways in which many BDSM communities create non-oppressive frameworks within which we have our deliciously oppressive sex. With practice, one can get shockingly good at preserving a heavy dominant/submissive dynamic that still allows both partners to talk about their other

needs. Surely that understanding of sexual roles vs. other needs could be adapted to the service of gender identity. Yet so many BDSMers still fall prey to the same old gendered preconceptions, and talk nonsense about how "all women are naturally submissive" or whatever.

Don't get me wrong: of course anyone would deserve plenty of blame if they refused to let go of their entitlement, or chose not to examine the ways their behavior might support an oppressive system. But I think men exist who are willing to do those things, yet feel blocked from relevant discussions because participating creates anxiety about their sexual or gender identity. It strikes me as unreasonable to attack them for that. Choosing to present one's sexuality and/or gender identity in a normative way is not **in itself** a sin. It's not fair to expect people to fit themselves into a box that doesn't suit them -- not even for The All-Important Cause of better understanding sex and gender.

Where can we find ideas for how men can be both supportive and non-oppressive, and overtly masculine? How can we make it to normative men's advantage to analyze masculine norms? What does it look like to be masculine, but liberated from the strictures of stereotypical masculinity? How can we contribute to a Men's Movement that encompasses all three bases -- being perceived as masculine, acknowledging male privilege, and deconstructing the problems of masculinity?

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Questions I Want To Ask Entitled Cis Het Men, Part 3: Space for Men

I'm about to assert something that makes me nervous, because I worry that people are going to stick me in the "asshole MRA" box. Don't get me wrong: I **certainly** don't think that women have it better, overall, than men do. But I do wonder whether it might be good for feminists to acknowledge that -- **although we don't experience nearly as much privilege as men** -- there are a lot of advantages women experience that men don't.

Because women aren't seen as threatening, we have an easier time doing confrontational things like approaching strangers on the street. Because women aren't seen as fighters, we stand a lower chance of being mugged than men do. Because women are seen as emotional, we're given a huge amount of social space to consider and discuss our feelings. I can work with and be affectionate with children far more easily than a man could. I can be explicit and overt about my sexuality without being viewed as a creep.

And there are at least a few recurring complaints about how trying to be masculine can suck. First and foremost: that men don't feel they've been taught to process their emotions, or don't feel allowed to display them. Another: that they're perceived as less manly if they don't achieve success through a career, especially if they aren't the main breadwinner for their family. A third: that men are expected to be sexually insatiable, or always to be sexually available.

Of course, it's worth noting that the advantages women experience are almost always the flip side of unfortunate stereotypes. For instance, one might say that women get more social space for emotion because we're stereotyped as irrational and hysterical. But that doesn't change the fact that most of us easily grasp that space, while most men don't. And if we can reject the Oppression Olympics for just one minute and stop thinking about

who's got it worse, it becomes clear that the advantages and drawbacks associated with being both male and female are intertwined. The two systems reinforce, and cannot function without, each other. The gender binary may not hurt everyone **equally**, but it hurts everyone. As those beautiful "Every Girl / Every Boy" posters say, the most obvious example is: "For every girl who is tired of acting weak when she is strong, there is a boy tired of appearing strong when he feels vulnerable."

I do suspect that it may not be psychologically realistic to ask people from our underdog-loving culture to embrace an image of themselves as privileged; my thoughts turn again to the trans man who hated the thought of being a white male. But if we feminists can't work productively from a stance that acknowledges our social advantages, how can we expect straight/dominant/big-dicked men to do it?

Could feminist acknowledgment of the women's gender-based advantages help pave the way for more men to acknowledge male privilege? Could feminist acknowledgment of the advantages on both sides of the gender binary help us better grasp what sucks about being a guy?

Am I citing Thomas MacAulay Millar too much here? Well, at least once, he frustrated me. Amongst the comments on one blog post, I thought he was stating his views about stereotypical guys rather harshly. I suggested that it might be better to seek common ground, or at least to explain things gently; he said he wasn't interested -- "I think we all work with some people where they are and can't soft-sell our views enough to deal with others." He added, "If I'm going to alienate someone for saying what I think too bluntly, I'll pick entitled cis het dudes."

I won't pretend I didn't laugh when I read that -- but I worried about it, too. I've had an enormous number of experiences trying to discuss feminism/sex/gender with men in which the men tensed, bristled, and closed me out. I don't think it was always because those guys couldn't stand the thought of losing their privilege, either. I think a lot of dudes have been led to feel that they have no place in gender discussions -- that those discussions will always be about what men are doing wrong, and that no one's prepared to work with them where they are.

All groups have outsiders. Movements inevitably form themselves around oppositional forces. As someone who's spent her share of time feeling feminist rage, I'd say that being filled with feminist rage is totally understandable. And seriously, don't get me wrong: I'm not giving unfeminist guys a free pass. I'm not happy about the fact that so many men are apparently alienated from feminism because us radicals are too confrontational -- or too uncomfortably correct -- for their fragile masculine egos to handle. (I'm being sarcastic! Mostly.) I'm **really** not happy about the fact that I've got to think about **marketing** anti-oppression -- in a just universe, wouldn't anti-oppression market itself?

But at the same time, I'm a realist. I know this isn't a just universe, and I want to use tactics that'll achieve my goals. Which are: I'd really like to find more men at my side in the sex and gender wars. I'd really like to talk to more guys who don't see ideas stamped with feminism as an attack -- rather, as an opportunity for alliance. Plus, if we're going to think in terms of cold hard tactics, it's worth noting that normative men hold most of the power in America. (That's part of what we're complaining about, right?) So swelling our

ranks with The Oppressive Class means we can ruthlessly use their power for good.

Can we do better at making feminist discourses around gender and sexuality open to normative men, without driving ourselves crazy? How can we make our movement open to, and accepting of, normative men? Put another way, how do we convince normative men to support us?

Maybe we don't need a lot of normative men in the camp of sex and gender radicals; maybe we'll be happier without silly Gender Studies 101 questions clotting our discussions. Still, even if we don't try to "recruit" them, I'd love to see more widespread analysis of masculinity and masculine sexuality amongst normative dudes... if only because getting a sense for their societal boxes might simply make them happier. If only because I think they've got their own liberation to strive for.

So at the very least, I'd like to contribute to an America where serious examination of masculinity and male sexuality can flourish.

That's my final question. *How do I do it?*

* * *

The above entries originally appeared at:

http://clarissethorn.com/blog/2009/10/18/questions-i-want-to-ask-entitled-cis-het-men-part-1/

and

http://clarissethorn.com/blog/2009/10/20/questions-i-want-to-ask-entitled-cis-het-men-part-2-mens-rights/

and

http://clarissethorn.com/blog/2009/10/24/questions-i-want-to-ask-entitled-cis-het-men-part-3-space-for-men/

The first followup (plus many many comments) is available at:

http://clarissethorn.com/blog/2009/12/09/manliness-and-feminism-the-followup/

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EDUCATION:

[theory] Sexual ABCs in Africa, Part 1: Abstinence

In 2009-2010, I spent a year in sub-Saharan Africa working on HIV mitigation. It was fascinating, frustrating, heartbreaking work. I learned an enormous amount about the possibilities and pitfalls of foreign aid, public health, and global injustice -- far more than I could ever summarize in an introductory paragraph. Maybe someday I'll write

more about it all, but in the meantime, if my articles leave you with an appetite for more, then I recommend two wrenching books: Letting Them Die: Why HIV/AIDS Prevention Programmes Fail *by Catherine Campbell, and* The Wisdom of Whores: Bureaucrats, Brothels and the Business of AIDS *by Elizabeth Pisani. (Pisani's book in particular gave me so many moments of recognition that I was almost offended. I was like, dammit, Elizabeth Pisani, this is the book I wanted to write!)*

In early 2010, while I was still in Africa, I began writing a series of articles about my experiences. These articles were published at CarnalNation.com and edited by Chris Hall, who is a smart sex-positive writer in his own right. I'm especially grateful to Chris because, unlike a lot of editors, he made the effort to grasp where I was coming from; he always made requests rather than demands, and never changed my work without consulting me. Good editors are hard to come by, and I hope that when I edit other writers' work today, I do credit to the model Chris provided.

I'm sad to report that CarnalNation ceased publishing new articles in late 2010, although you can still read the archives online (and I encourage you to do so). There are a lot of "sex-positive" websites out there that have little real understanding of sex communities, activism, etc. -- not to mention, there are websites that hire talented and ethical writers, but then hide truly unethical business practices. But from what I could tell, CarnalNation was the real deal. The list of contributors read like a Sex-Positive All-Stars, and I was proud to be part of it.

So, anyway. This is the first of a bunch of articles that I originally wrote about sex and culture in southern Africa. Like all my writing, it's framed within my own experience. (I'm not republishing all the Africa articles in this book, but they're all available in my CarnalNation archive.) And before we get into it, I would like to note one final thing. One problem with how many Westerners write about Africa is that they treat Africa as "one country": there's little acknowledgment that Africa is a huge, diverse continent full of many different cultures. I try to avoid that, but I also write under a pseudonym, and thus I can't write too precisely about where I was or what I did in Africa. I'm sorry about that, and I hope I don't come off as too much of a colonialist asshole.

* * *

Sexual ABCs in Africa, Part 1: Abstinence

In the beginning of 2009, I made a name for myself as a sex-positive, pro-BDSM educator in Chicago -- and no one was more surprised than me by how suddenly successful I was! I curated the explosive pro-sex, pro-queer, pro-kink documentary film series Sex+++ at Jane Addams Hull-House Museum. I lectured on both BDSM and sexual communication in Chicago, San Francisco and New York. I even fielded a call from Oprah's office! Then, just as my life was going all crazy, I was offered a job doing HIV/AIDS mitigation in southern Africa. I've wanted to do it for years, so I accepted -- though not without some soul-searching.

Rather a change of pace, right? I thought I might even give up basic romance by coming here... but not so fast. Only a month after moving, I met a guy I really liked. He's another American, also here to work on HIV/AIDS; we live a bit far apart, but flirted constantly

by text message. We discussed etymology, traded literary recommendations, compared religion -- I'm Unitarian, he's a Baha'i convert. He lived one summer in Chicago, and we discovered that we'd shopped at the same bookstores.

One night, we found ourselves in the same nightclub. Using a cigarette as an excuse to go outside, we abandoned the music and talked for hours. Our friends came to check on us multiple times, with varying degrees of smirking insinuation; we kept promising to go back in after one cigarette, then neglecting to actually smoke it. The conversation went through homesickness, ethics, roleplaying games, more literature. I lent him a book. He promised to visit me.

His next text message, a few days later, was plainly nervous. Can you imagine someone blurting a text message? That's what he did when he told me that he takes the "no sex before marriage" part of his Baha'i faith seriously. I was stunned -- but I had to laugh, too. **Of course** Miss Clarisse Thorn, pro-sex advocate, just had to fixate on a man who wouldn't sleep with her!

* * *

I did not undergo abstinence-only sex education. My middle school's health teachers were admirably forthright and even hosted condom demonstrations in the auditorium, more power to 'em. I also had the good fortune to be raised Unitarian -- so I received incredibly compassionate, complete sex education in Sunday School.

Still, for a long time I was strongly attracted to chastity. In my teens, I decided that I wouldn't lose my virginity until I was much older -- I think I picked age 25 -- because I wanted to be sure I'd be mature enough to handle it. This resolution didn't last, but after I became sexually active, I occasionally came back to the idea. A few female friends took "time off" -- in some cases, full years of abstinence. I considered doing so myself, strongly and for a long time.

Back then, I was terrible at communicating about sex. Reading explicit sex scenes made me feel anxious, perhaps because I felt they set standards I couldn't "perform." Talking explicitly to my partners felt impossible, not least because I had practically no idea what I wanted. Worst of all, I could feel the societal boxes around my sexuality, but I couldn't articulate them. Plus, there were dark undercurrents to my sexuality that simply scared me. Abstinence was the only obvious way around my sex-negative cultural baggage!

Once I adjusted into my BDSM orientation, once I got a grip on how to circumvent some problems with how Americans tend to think about sex, once I experienced mutual sexual communication that was totally trusting and adventurous... my attraction to chastity was greatly reduced. These days, the idea only seems awesome when (a) I've just been romantically burned, or (b) I want more time to myself.

It's tempting to think that Mr. Chastity might be the same way: that he's uncomfortable for similar reasons; that he'll "get over it." Tempting -- and offensively presumptuous. Maybe he'll re-examine his motives someday, and maybe he won't. The important thing is to respect his feelings. So when he sent me that text, I did what any responsible sex-positive girl ought to do: I honored his boundaries and thought seriously about whether I could work within them.

I wrote back:

I think it's adorable that you told me the vow thing by text- & on a serious note, I rather admire you for challenging yourself & social expectations of masculinity. I can't afford exegesis of my sexual history by text; we can talk about it when you visit- which I hope you do, even if you insist on sleeping on the floor. I promise not to push you- though I confess I'm curious about the vow's limits. But I also understand if you don't feel comfortable coming down.

His relief, in our next few exchanges, was palpable. I think a man who wants to abstain has a far trickier journey ahead of him than a woman: America's sexual assumptions may be formed around stereotypical male sexuality -- which **really sucks** for women -- but it's a very narrow stereotype that limits men too. Men are expected to be insatiable, and preferring not to have sex casts a man's entire masculinity into question. His abstinence can cause anxiety for the female partner, too: after all, given an assumption that men are nigh-indiscriminate sex machines, a woman might feel that there's something terribly wrong with her if a man won't bang her.

Mr. Chastity has dealt with those problems a lot, so my careful reaction and evident lack of anxiety won me lots of points. Since then, I've met up with him publicly twice, and we've even managed to make out! He's still going to visit. Maybe I can convince him to sleep in bed, as long as I promise not to put the moves on him.

And maybe, just maybe, his vow allows him to practice BDSM... a girl can dream, right? But seriously, if we can do BDSM together, then I just might be his dream partner. I'd be happy to focus our sexual time on BDSM and foreplay, and to ignore "actual" sex indefinitely. Plus, some people argue that declining to sate ourselves sexually is the best tactic for prolonging romantic magic. So this could be the way for Mr. Chastity to become the love of my life.

* * *

In Africa, the mantra for HIV educators is ABC: the three things that protect against HIV/AIDS are Abstinence, Being faithful, and Condom usage. But my job is much more complicated than passing out condoms and wagging my finger. The problem isn't so much that people don't know how to avoid HIV, although myths and misconceptions do exist. The problem is that people don't seem willing to change their behavior in order to protect themselves... or that they don't feel they have the power to change their behavior.

People can't just know about condoms -- they must prioritize condom usage despite drawbacks like loss of pleasure or pressure from their partners. People can't just know that HIV is sexually transmitted -- they must be psychologically open to abstaining from sex despite drawbacks that are, well, obvious. HIV prevention in Africa is less about sharing knowledge, now, and more about marketing: giving people a new perspective on sex, their health, and their futures.

Of course, I'm totally psyched about marketing some of these social aspects, like gender equality. (Gender equality is an HIV/AIDS issue for lots of reasons -- the most obvious being that the less power women have, the less they control their own sexual acts.) But others give me pause. Abstinence? Seriously? It sticks in my craw. Obviously, I don't

have a problem with people **choosing** not to have sex... but I'm not sure how I feel about actively **convincing** people not to have sex.

In America, I advocate for open, explicit, pleasure-affirming sex education. But that's a radical stance even in America -- I'm not sure whether it's possible here! At least I'm spotting a few allies, some in unexpected places: for instance, there's a great high-profile, outspoken sex-positive educator named Agrippa Khathide in South Africa... who happens to be a pastor. I'm starting to think there's room to do fascinating work here, creating culturally appropriate sex-positive education.

Yet abstinence remains the only 100% effective tactic for avoiding HIV. As another educator told me, "I **hate** abstinence-only education more than anything. Seriously. But... here, I think it's a necessary ingredient." Is it responsible for me to avoid promoting abstinence? Even if marketing abstinence means that to some extent, I'll have to tell people sexual exploration isn't worth doing?

I'm still feeling out my approach, but... what if the most effective way to fight HIV is to align myself with values antithetical to free sexuality? Does properly doing my job require me to **promote a sex-negative agenda?** Surely not. Surely there are ways to promote sex-positive abstinence -- perhaps a "Vibrators for African Women" program...? (This is a joke. Mostly.)

And that's just one facet of the broader question keeping me awake at night! Which is: given a fatal, incurable sexually transmitted infection; given a population where, in some groups, up to 40% test positive; given a society in which culturally appropriate messages emphatically do not include my pro-sex, pro-queer, pro-kink approach to sex education... what does being a sex-positive educator **mean**?

Maybe I can harvest clues from my own feelings, past and present, about abstinence: clues for how to promote it compassionately, effectively and responsibly; clues for locating my boundaries when I talk about it. And maybe I can harvest down-to-earth advice from my relationship with Mr. Chastity, too. I can work from toxic masculine norms he's had such trouble with, and examine how men in southern Africa might likewise worry about abstinence -- if you think American men have tough definitions of sexual manliness to contend with, then try living in a place where the big men have multiple wives and over a dozen children. I also think it'll be hot to be bound against going "too far." Maybe I can learn how abstinence is fun, fun, **fun**!

Hey, at the very least, it'll give me a taste of what I'm telling everyone else to do.

* * *

The original version of this article can be found on the Internet, but please note that I've done some editing for clarity. Here's the original:

http://carnalnation.com/content/45211/1133/sexual-abcs-africa-part-1-abstinence

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EDUCATION:

[theory] Sexual ABCs in Africa, Part 2: Be Faithful

This is the second in the three-part "Sexual ABCs" series, but I originally intended it to be the last one, because it's the most complicated by far.

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Sexual ABCs in Africa, Part 2: Be Faithful

South African President Jacob Zuma has three wives; in a headline-making ceremony, a South African businessman recently married four women at once. King Mswati of Swaziland has thirteen wives, and his father King Sobhuza had 70. (Yes. Seventy.) Here in southern Africa, even those rich men who don't take multiple wives almost always support mistresses. Naturally, local women don't get multiple spouses, and the social penalties for infidelity are much worse for women. In America, feminists often point out that "slut" is an insult while "stud" is a compliment; there's a similar linguistic trend in siZulu, but the English words are mild compared to their siZulu equivalents.

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I rarely practice consensual non-monogamy myself, but I don't hesitate to advocate destigmatizing polyamory and swing in America. True, my primary interest is BDSM, but there's so much to learn from every form of consensual sexuality. Plus, we're basically on the same side -- it'd be great if different sex subcultures had more consciousness of a sex-positive "agenda" or "movement"! Although our communities have different emphases and, sometimes, profoundly different values, I see swingers and polyfolk as my brothers- and sisters-in-arms.

But enough of the soapbox! The point is that I've often defended poly -- and I've gotten into interesting arguments doing so. One friend noted just how hard it is for poly people to negotiate their relationships. "It's so **complicated**," he complained. "So much communication is required. Doesn't that seem like an argument against it? If polyamory were really a good relationship model, then people wouldn't have to put so much effort into accomplishing it."

"It's only complicated because polyamory isn't our societal default," I replied. "People have to put extra effort into negotiating relationships that fall outside the norm. The same thing happens with BDSM. Kinksters **must** spend a lot more time discussing our sexual relationships, because it's more dangerous for us to make assumptions about where our partners want to go. That doesn't mean there's anything wrong with kink.

"And," I added, "that extra effort can be a feature, not a bug! The fact that kinksters spend so much time isolating different aspects of our sexuality has given us a uniquely fine-grained sexual vocabulary. I think most kinksters tend to make fewer assumptions about our partners' boundaries than vanilla people do. And circumstances have forced us to develop some brilliant strategies for bedroom communication. I'm not saying we're all brilliant communicators, but I think we've got a unique window on it. When I run sexual communication workshops, half the tactics I share are filched from the BDSM

subculture; I just rename them for a general audience. Many polyfolk have similar insights about relationship communication."

Being in southern Africa, seeing all these men partnered with multiple women, has brought that conversation to mind. Because the majority of men can't afford multiple wives and some churches frown on the practice, polygyny isn't exactly the default -- but it's certainly a well-respected, highly desirable relationship formation. (Polygyny is the most precise term for the type of polygamy that's practiced here, where men can have multiple wives but women can't have multiple husbands. However, a lot of Africans simply call it "polygamy.")

And men who can't go the open route frequently do the same thing discreetly. In the July 2009 issue of *New African Magazine,* Akua Djanie -- who moved to England at age 10 and grew up there -- observes: "I know very few African men, especially those living on the continent, who keep only one partner. The majority of men I come across are in multiple relationships, sometimes open, but most times on the quiet." She also notes that "in some instances, a man's manhood is judged by the number of women he can keep."

So monogamy is not the default; and negotiating monogamy is difficult, here. But a new factor makes it a matter of life and death: HIV.

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The basic centerpiece of HIV prevention is ABC -- Abstinence, Being faithful, and using Condoms. But the three strategies haven't always received equal airtime. "The Fidelity Fix," a 2004 *New York Times Magazine* article by Helen Epstein, quoted one analyst who believed "partner reduction has been the neglected middle child of the ABC approach." Epstein wrote, "Perhaps the topic seems weighted with moral judgment; perhaps Western advisors in particular feel it would be insensitive to raise it; perhaps they also feel it would be futile to try to change deeply rooted patterns of behavior." She outlined those patterns and concluded, "A fidelity campaign does seem worth a try, even if it might seem overly simplistic and preachy." Another expert, quoted in a 2007 *Washington Post* piece on multiple partners in Botswana, agreed: "There has never been equal emphasis on 'Don't have many partners'.... If you just say, 'Use the condom'... we will never see the daylight of the virus leaving us."

Living in southern Africa now, it seems clear that this recommendation has been taken to heart. I regularly spot posters, stickers and billboards for fidelity campaigns that apparently didn't exist a few years ago. Although cultural pride is a big deal here, locals routinely disparage risky marriage-related cultural practices: for instance, many speak harshly against wife inheritance, whereby a woman whose husband has died is traditionally expected to marry his brother. Many such practices are becoming more and more unusual. However, the larger phenomenon of polygyny seems harder to budge.

I recently sat in on a partner reduction dialogue for one town's church leaders; it was attended by representatives both from churches that allow polygamous marriages, and those that don't. The discussion was quite civil, though one anti-polygamy preacher did make snide comments towards the polygamists. They talked about issues like an absence of marriage counseling, preachers' failure to act as positive role models, and churches'

failure to be transparent about HIV. (The all-male group also noted "women's selfish impatience with erectile dysfunction," "women preferring men who last longer," "women preferring men with a lot of money," and "women not loving their husbands enough" as contributing factors to fidelity failure.) The group seemed pleased to work together, and eager to address the problem. The question of members being pro- or anti-polygamy was, apparently, only a side note.

As it happens, there are plenty of polygamy problems that have nothing to do with HIV/AIDS. These divisions would exist without the disease. For instance, some preachers who don't support polygamy will sanction divorce and remarriage. One man told me that "true" polygamous marriage -- in which a man has many wives, all supported simultaneously -- is slowly being replaced: rich men now often take younger wives, but divorce and cast aside the previous wives first. The "new" approach looks suspiciously like the Western model of "serial monogamy"... except that the women, left with few resources, rarely marry again. (The gender inequality is highlighted when only one partner has HIV: an HIV-positive man will likely be nursed by his wife, while HIV-positive women can fear anything from abuse to abandonment.) Partly because abandonment is getting so common and partly due to doctrinal interpretations, there is yet a third group of church leaders who not only reject polygamy but refuse to remarry divorced people.

Most interestingly, I've noticed that from some perspectives, the current system appears to stack the moral deck in favor of polygyny. A lot of the time, people will claim that there are only three alternatives: (1) abandonment and/or deadbeat fatherhood, (2) cheating, or (3) overt polygyny. If those are the alternatives, then even empowered women will argue in favor of polygyny -- though not happily, since they're quite conscious that a system supporting polygamy without polyandry is completely unfair.

For example, in the aforementioned July 2009 *New African* piece, titled "The Sins of Our Fathers," Akua Djanie reflects bitterly upon a father who ignored her mother in favor of his second wife. She writes that she "will encourage [her sons] to have a relationship with only one woman at a time. And if they make the mistake of having children from different women, I will make sure they are responsible for each and every one of them." Then, however, she asserts that "although I myself would never wish to be in such a [polygamous] relationship, I think it can work, does work, and has worked in the past"; that "the issue is not so much with the pros and cons of polygamy, but more with the irresponsible behavior of some men"; and that "African men are still as polygamous as they were in my father's heyday. In fact I believe that polygamy will never go away." Djanie doesn't mention HIV once.

(It's worth noting that Djanie is very aware of Western cultural imperialism; she loathes and deconstructs those who downgrade African culture in favor of Western. For instance, her November 2009 *New African* piece was about how frustrating it is that Africans usually model Christmas on Western standards, showing images of white children frolicking in Alpine snow. Thus, her argument against polygamy is especially striking.)

Recently, I spoke to some grassroots HIV educators who go door-to-door in their rural villages. They keep a list of different prevention tactics that they discuss with their neighbors. Glancing through, I saw both *Zero Grazing* and *Be Faithful* side-by-side. "I

don't understand the difference between these two," I said, prompting the educators to confer amongst themselves in siZulu. Finally, one offered, "Be Faithful is about monogamy with one partner. Zero Grazing is about having multiple wives and not going outside the marriage." The others seemed to agree. Given their limited English and my limited siZulu, I decided not to ask: "Does promoting both strike you as a mixed message?" (I did ask whether they think people listen to their advice. In response, they just looked depressed.)

Clearly, the fidelity fix has arrived. What's harder to determine is how much, and in what manner, the message is being emphasized -- not to mention, whether it's actually taking root.

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Given my experience with polyamory, and my nigh-rabid promotion of straightforward communication as the Cure For All Ills, I can't help wondering: would it help to port communication tactics from our polyamorous allies over to southern Africa? But polyamory is fundamentally different from polygyny. Polyamory assumes that both partners have equal footing -- equal negotiating status -- whereas polygyny assumes that men are entitled to privileges women aren't. Would it be possible to take the lessons of even-handed polyamory, and apply them to polygyny?

What if I choose not to address polygyny -- to avoid the whole culturally fraught debate, and just create relationship communication workshops inspired by polyamorous (and BDSM) analysis? (That way, with no one alienated by an overt stance, I may reach the audience better anyway.) Will it work if I teach from a perspective of assumed gender equality? My instinct is "yes"; I've even found a heartening example! The well-known South African Pastor Agrippa Khathide preaches equality for women and sexual pleasure for everyone (as long as they're married first, of course). He gives explicit sermons including technical sexual advice, and has been quoted in interviews asserting things like: "married people should be totally free to express themselves any way they wish in the bedroom," that "they must be willing to experiment, explore and explicitly acknowledge the giving and receiving of pleasure," and that women are entitled to "enjoyment of sex like men."

If he can do that, surely I can do something similar! Surely, then, my inherent egalitarian assumptions would make a positive impact, even if I say nothing direct about irritating male entitlement. Yet I worry that if I focus on relationship communication and don't directly take on the monogamy juggernaut, I will sidestep the heart of these debates. Indeed, not only might I be sidestepping -- I might be turning my gaze from the very place I ought to focus.

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Perhaps the hardest part about wrapping my head around a fidelity campaign isn't whether certain tactics are appropriate or inappropriate, effective or ineffective. It's that they can be both, or neither -- and while culture matters, it varies by individual. More to the point, while culture affects attitudes towards Abstinence and Condoms, there aren't many ways to interpret the **implementation** of those two dicta.

The people who live here **themselves** are divided about what fidelity means. Be Faithful, or Zero Grazing? Multiple wives, or divorce and remarriage? **They themselves** are working towards gender equality, but have just as many arguments about its implementation as Westerners do. **They themselves** are proud of their culture, and yet there's one anti-HIV slogan that always leaps out at me when I spot it among the myriad of posters and stickers:

There is nothing cultural about dying of AIDS.

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The original version of this article can be found on the Internet, but please note that I've done some editing for clarity. Here's the original:

http://carnalnation.com/content/45680/1133/sexual-abcs-africa-part-2-be-faithful

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EDUCATION:

[theory] Sexual ABCs in Africa, Part 3: Condoms

This article followed the previous two articles, published at CarnalNation.com in January 2010. I think a lot of people would like to believe that Africans are "different from us" and that's why HIV has had such an impact in Africa. And it's accurate to say that certain cultural patterns influence the spread of HIV, as I described in the previous piece, "Be Faithful."

But the truth is, also, that people are similar everywhere: we respond to certain incentives, and sexuality is one of our most powerful incentives. The terrifying truth is that Africans are not especially different from us... and given the right circumstances, the West can and will be equally vulnerable to this awful epidemic. And as I learned more and then came home, I began to see just how vulnerable we are. There are poor, marginalized areas of the USA where HIV is reaching the same proportions that it has reached in Africa. And even among privileged young Americans, HIV rates have been rising for the first time in years.

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Sexual ABCs in Africa, Part 3: Condoms

In America, the common argument against explicit sex education -- and promoting condom use in schools -- is that it will encourage kids to be promiscuous. The idea is that if we portray it as normal for kids to be having sex and tell them how to do it safely, they'll be more likely to go and have sex. As for the kids who'll have sex anyway... well, they're sinning and don't deserve to know what they're doing.

Some things don't change, even across oceans. I occasionally hear the same arguments against promoting condom use in southern Africa. But here, HIV is ripping the populace

to pieces, and it's much harder to speak against condoms when funeral processions wind through your neighborhood every weekend. Occasional religious educators claim that promoting condom usage waters down their message and therefore makes anti-HIV education less **effective;** but most churches I've encountered take a pragmatic, condom-promoting approach. Indeed, one of the best HIV curricula I've seen so far is the "Channels of Hope" workshop, created by the Christian organization World Vision and designed to train church groups. It not only promotes explicit condom education, but urges compassion towards sex workers and homosexuals. **And** it discusses why marital rape isn't okay! I'd venture to say that the majority of liberal, secular sex education curricula in the USA aren't as awesome.

Just the other day, I was surveying a bunch of kids aged 11-13 and they asked how to put on a condom. Cursing myself silently, I had to admit that I didn't have any to show them... at which point one child dashed from the room and returned minutes later bearing both a condom, plus a rather splintery stick from a firewood pile. Condom distribution is in full swing; I can think of three places to pick up free condoms within a ten-minute walk from where I'm seated. Condoms are described in kids' textbooks, and condom demonstrations are welcome in every school. Condoms are lauded by politicians, pop icons, and religious leaders. Take any person off the street and they'll know the HIV-prevention mantra: ABC -- Abstain, Be faithful, use Condoms. Yet condom usage rates are still killingly low.

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Though I'm fishbelly-pale, I'm not great at wearing sunscreen, and I live in **Africa**. I try... I mean, I kinda try... I mean it's so annoying to apply, and it feels gross! And this notwithstanding the fact that I literally have ten bottles of top-quality, non-sticky, oil-free sunscreen sitting across the room from me as I type this. On the other hand, I religiously take my malaria prophylactic pill; I've noticed no side effects, and getting malaria would **really suck**.

I recall one recurring conversation between myself and a former boyfriend, whom I dated for years. We'd both had excellent sex education, and yet we used withdrawal as our primary birth-control method. We did it even though we both had boxes of condoms available. We did it even though neither of us wanted me to get pregnant, and -- though I'm definitely pro-choice -- I wasn't sure I could bring myself to have an abortion. We'd both been tested, and we trusted each other not to cheat, but that's some dangerous trust to extend -- and **we knew it**.

One particular moment comes to mind: we were lying lazily in bed together, talking about how stupid we were.

"We should be more careful," he said seriously.

"We really should," I agreed.

"Let's be more careful," he suggested.

I nodded.

We weren't.

Were we stupid? Obviously. Were we normal? Unfortunately, yes. A few months ago, I chatted with another American HIV educator about the situation here in Africa. "They know to use condoms," she complained, "and they have the condoms! I just don't **get** it!"

"I agree that it's incomprehensible," I said, "but hey, **I** haven't always been 100% careful, and I'm a sex educator."

She glanced at me, then away. "Yeah, I haven't either," she admitted. There was a gloomy pause, and then we couldn't help it -- we cracked up. "I hate love," she said when the giggles subsided. She shook her head. "That shit fucks with you."

Why didn't I use condoms with that ex? I **still** don't know! When you instruct people to use condoms as often as I do, you get accustomed to the arguments. I hear the same reasons we didn't use condoms -- because they don't feel as good, because they interrupt the moment, etc. etc. etc. -- I hear them, I smile and I tell the audience, "You gotta use 'em anyway, folks." I'm a hypocrite, but what else can I say?

And there are deeper-rooted objections to condoms -- objections that are both rarely stated in public, and harder to confront. One is trust, which I've been struggling with for a long time, since before I got to Africa. I don't think it's good for condom discussions to center on trust, and I wish I had more ideas about how to refocus them. "Use condoms because you can't trust anyone, not even your lover," is an ugly message to impart. Moreover, it only encourages the audience to view **not** using condoms as a gift, or a signifier of trust.

In America, I tend to cast it like this: "Safer sex is normal. It's the baseline. Lots of people practice it. It's an assumption. Act like it." Which, I hope, helps people simply default to safer sex without forcing direct questions about any given partner's integrity. Hopefully, it also distracts attention from seeing discarding condoms as a gift. But the truth is that condom usage isn't always an assumption even in America (witness myself and my ex). And it's less of an assumption here in Africa. How can I avoid validating the viewpoint that not using condoms is the best way to express trust?

The second deep-rooted objection -- again, both in Africa and America -- is inability to maintain an erection while using a condom. When I was younger, I used to think that guys were just whining when they claimed they couldn't keep it up with a condom, but in my old age I've determined that People Are Different (no way!): while most men deal with condoms just fine, some men genuinely can't. Since people tend to be bad at communicating about sex and especially bad at making space for conversations about non-normative male sexuality, this isn't often acknowledged. Fortunately, the solution is easy: men who have trouble with condomised penis-in-vagina sex gain a glorious opportunity to explore all the other kinds of sex!

People tend to panic when confronted with the idea of a man who can't have penetrative sex. But that's sex-negative nonsense based entirely on the stereotype of "real sex" as penis-in-vagina intercourse. The solution to loss of erection isn't to sit around awkwardly wishing you could be having penetrative sex. The solution is for both partners to start exploring with mouths, hands... and words. But teaching about this means speaking very explicitly, and it can be hard to have those conversations in a conservative society

without being run out of town.

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In the Strange Case of Clarisse and Her Condomless Ex, I was at least Being Faithful with a pre-tested partner, and I didn't live in an HIV-rich population. The risks were lower, and it's true that I've never run those kinds of risks outside a long-term monogamous relationship. But the bottom line remains: my ex and I did it even though we knew better.

He and I are both privileged people. Neither of us was dependent on the other for money, for instance. If two highly privileged people who agree that condoms are necessary can fail to use condoms, what about people who don't have that privilege?

In many places across the world, including much of southern Africa, sex workers can charge double for sex without a condom. No businesswoman is likely to insist on a measure that will halve her profits -- especially if she already lives on a razor-fine margin, and especially if she's already contracted HIV herself. Likewise, if a girl can't afford expensive school fees and therefore sleeps with her teachers, then she's hardly in a position to demand protection. Many married women quite justifiably fear divorce, violence or murder if they refuse their husbands sex without a condom -- in one recent case, a wife tested negative for HIV while her husband tested positive, but when she tried to refuse condomless sex, he killed her.

Some pro-condom campaigns tell the populace that "it's your responsibility: you must respect your body and take the initiative"; but while that works for some people, it's a terribly cruel message for people who lack the standing to negotiate with their partners.

Add to this the fact that, if you know enough people living with HIV -- and if your life already seems difficult and directionless -- the disease will start to seem like much less of a big deal. A friend reports that one day, sitting in a salon, she saw a man exit with a sex worker. "Don't forget a condom!" she called bluntly. His reply: "I'm not the first to get it, and I won't be the last." (Indeed, there are documented cases of marginal populations **deliberately contracting HIV** when they perceived benefits. For instance, when HIV-positive illegal immigrants in France were offered citizenship as part of a humanitarian initiative, some sought out the disease.)

People who ignore prophylactics will always be with us. Some of them will be like me and my ex, or the sex worker's client: despite knowing the risk, transient pleasure trumps absolute safety. There isn't much to be done about that demographic, save ensuring that they (we) truly grasp the consequences we risk with our silliness.

Some people, however, will be vulnerable more because they're female, or young, or poor. In those cases, addressing the root causes -- sexism, poverty, abuse -- becomes the only solution. Thus, some of the best HIV programs in southern Africa appear to address completely different issues. These include:

* Identifying and supporting income-generating projects for women, so that they have the resources to walk away from abusive partners;

* Sponsoring schools, so that they can educate for free and remove one reason a

schoolchild might sleep with a teacher;

* Facilitating support groups, so members can share tactics for negotiating safer sex (or, if already HIV-positive, help each other cope with obligations and treatment regimens);

* Creating strong communities, so people are quite simply more motivated to live.

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It's always tempting to see unfamiliar cultures as monolithic, but we must remind ourselves that they never are. Every society in the world contains its own divides, just like America's culture and subcultures. Because HIV/AIDS functions along the very taboo, very culturally-influenced axis of sexuality, it throws taboo cultural sexual divides into high relief.

In America, one thing the disease's advent served to highlight was stigma towards LGBTQ and other radical sexual subcultures. American HIV mitigation has often sought to redress that stigma. Here, one thing it serves to highlight -- one thing mitigation seeks to redress -- is mainstream gender and relationship issues. But these splits existed before HIV came along. Although the prevalence of HIV sheds light on and invokes compassion for these divisions, they're more enduring than we like to think.

Still, I can't help noticing the phoenixes arising from these ashes. Firstly, it turns out that the best way to shut down sex-negative arguments against explicit sex education is to invoke the specter of HIV. One 2008 report from a well-respected local organization argued that AIDS prevention efforts should include straightforward lessons on pleasurable acts, such as oral sex or sex toy usage! (Obviously, I hope to work with this organization.)

A 2004 *New York Times Magazine* article on HIV in southern Africa made the case that while "many experts contend that sexual-behavior change in Africa is complicated because women's fear of abusive partners inhibits private discussions of sex, condom use and HIV," the crisis also contributes to a better environment for those discussions. One researcher is quoted pointing out that, "young South Africans are much more likely to talk about sex and are developing 'a vocabulary for discussing feelings and desires.'" Furthermore, southern African movements for women's empowerment invariably cite HIV as a reason change is necessary **now.** Because gender oppression is acknowledged as a driver of the epidemic, gender equality is an explicit goal of both governments and major HIV organizations. Even admirably reasonable laws about sex work are being discussed -- considerably more reasonable than most Western sex work legislation. The laws probably won't pass, unfortunately, but at least they're on the radar.

I've got a twisted confession to make. On days when I feel particularly flippant, I find myself thinking: *Thank God for HIV/AIDS!* Without HIV... would women's empowerment be such a given? Aside from bleeding heart feminists like myself, who would care about sex workers' conditions? Aside from sex-positive nuts like myself, who would advocate for explicit sex education?

Here's hoping we can create better social conditions to arrest the pandemic... and keep those conditions going afterwards.

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The original version of this article can be found on the Internet, but please note that I've done some editing for clarity. Here's the original:

http://carnalnation.com/content/46266/1133/sexual-abcs-africa-part-3-condoms

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ACTIVISM:

[theory] Colonized Libidos

This article was published at CarnalNation.com in early 2010. Anti-oppression theory sure can get out of touch with reality.

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Colonized Libidos

The situation for gay / lesbian rights here in Africa has gotten lots of media attention lately, and I myself have written about meeting a Swazi lesbian activist who was later murdered. So I won't waste your time by talking about how bad it can get to be gay here (although it's worth noting that I've seen at least one interesting argument about how the places in Africa where homosexuality is most heavily punished are also the ones with the strongest national dialogue, and thus arguably some of the best ones to actually be gay). Besides, I've become somewhat numb to the situation's sheer awfulness since arriving last year. What catches my attention these days is unfamiliar cultural angles and arguments.

While reading the local paper, I recently came upon yet another gay-shaming article -- but instead of railing about God's will, the article talked about cultural imperialism. Specifically, it argued that gays and lesbians are gay and lesbian **only because of the West**. Gays and lesbians, the theory goes, have been so influenced by the Sodom and Gomorrah that is the West that they've internalized our permissive, scandalous sexual mores. (Those of us who actually come from the West are, of course, a little confused by how our fractured native cultures -- still fiercely arguing about homosexuality within themselves -- might create such an influence.) An African proud of his or her Africanness, who rejects the colonial West, will therefore not only wear African traditional garb and participate in African traditional ceremonies but will also be straight. (Ironically, some historians have pointed out that much of Africa was much less homophobic before Western missionaries came in.)

I got a front-line view of this attitude when I took a newspaper to the Post Office for photocopying. "Another article about lesbians!" snorted the postmaster -- they're getting to know me around there. He took the papers from me and shuffled through my requested pages. "Is it true," he asked, "that President Obama supports lesbians?"

"Yes," I said.

He looked shocked; I wondered if he'd expected me to say no. "What?!" he cried, and took a moment to regain his composure. "Well, that's American culture," he said finally. "It's not African culture."

I took a deep breath and pressed my lips together. I'd be in big trouble with my employer if I kicked up a storm at the Post Office, but oh, man -- in that moment, I really, really **wanted** to. "How much do I owe you?" I asked instead, and went home to lose myself in a nice sex-positive book.

Personally, what I find most intriguing about these assertions of cultural imperialism is how they compare to similar assertions in the West. I'm a kinkster and pro-BDSM activist, but I'm also a feminist, which can make for some serious anxiety. A lot of my coming-out process involved both a difficult internal struggle and my observations of arguments between kinksters and anti-BDSM feminists, who often make very similar allegations to these African speakers on "cultural imperialism."

The very articulate BDSM blogger Trinity (who, of late, has sadly decreased her involvement in the blogosphere) has spent lots of time analyzing and participating in those arguments. One of my favorite Trinity posts, titled "Why BDSM?", hosts a radical feminist commenter who writes:

If we lived in a healthy society, the idea of BDSM would not even come up in the first place. BDSM is here, as a manifestation of that unhealthiness, but to try to 'stop' the people who aren't being coerced into it would do more harm than the thing itself....

I am not saying tolerance of BDSM directly causes our sick society, but that it is a very strong symptom of a society were hierarchy, inequality and degradation are seen as the norm of human relations. Accepting BDSM is accepting this status quo. ... by challenging all inequality, including that in BDSM, we are putting forward the idea that other possibilities are available.

In other words: the Patriarchy made me kinky, and if I don't challenge kink then I'm supporting the Patriarchy. I would imagine that Africans pushing the cultural imperialism argument would say something similar: Western colonial influence made you gay, and if you don't challenge homosexuality then you're supporting Western colonial influence.

Well, "with us or against us" arguments are inherently flawed. And then there's the fact that, similarly to homosexuals, many of us kinksters consider our desires to be innate and largely unchangeable. So if our desires can't be changed, then what exactly is accomplished by shaming us through anti-oppressive theory-speak? (And make no mistake -- for those of us who take the theory seriously, it really does feel shameful to find others telling us we're in opposition, even within the private sphere of sexuality.) I'm not remotely convinced that our sexuality arose solely because of an oppressive society -- but even if it's true, then what am I, or African gay people, supposed to actually **do** in order to challenge the sick status quo? Give up on our desires and never have satisfying sex again?

I tend to think that the idea of sexual orientations or innateness is a red herring -- not because I believe that innateness doesn't exist, but because it's not actually relevant to sexual morality. What **should** be important is only the question of whether all involved

sexual partners are consenting adults, not whether their desires are innate. Alas, it's clear that across the world, people who are instinctively grossed out by alternative sexuality will always find ways to reframe the question into how our **acts** are just plain wrong and our **consent** is irrelevant -- and that's as true of some feminists and cultural loyalists as it is of Bible-thumpers.

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This can be found on the Internet at:

http://carnalnation.com/content/51544/1133/colonized-libidos

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VEGAN:

[theory] Confections of a Pickup Artist Chaser

I've been vegetarian since 2009 and vegan since 2011; I wrote this in 2012.

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Confections of a Pickup Artist Chaser

There are delicious recipes at the end! Read this article for the recipes!

I feel hyper-aware that this piece may alienate some readers, because it's a post about being vegan, i.e. not eating animal products. Lot of folks are touchy about that. So, I want to do some pre-emptive damage control: I want to clarify up front that **I have no interest in calling anyone an asshole**. If you're not vegan, then I want to try and change your mind... but I don't think you're an Incontrovertibly Bad Person, and I hope we can still be friends.

And, look, I'm not gonna pretend I'm perfect. I screw up all the time, on all kinds of social justice issues, and I'll be learning for the rest of my life.

For me, the hardest thing about being vegan has nothing to do with the food, although I think many foods made from animal products are delicious, and occasionally I have trouble resisting them. For me, the hard part is all about social situations. If I'm at a social event where non-vegan food is served and there are no other vegans, sometimes I just eat it -- especially if it will Become A Big Social Problem if I don't eat it. I also sometimes eat non-vegan food that's been rescued from the trash (some of us call this "freegan"). And occasionally, when I'm spending a lot of time with someone who's non-vegan, then I'll sometimes break veganism in front of them in order to reassure them that I'm not judging them. I have vegan friends who consider this an unacceptable level of accommodation; sorry folks.

I am aware that stigmatizing, judging, and attacking non-vegans is one tactic for convincing them to go vegan. Personally, I find it stressful and frequently

counterproductive. I'd rather set an example and be welcoming. (Yet I acknowledge that it's possible I wouldn't be able to do this effectively if aggressive vegans did not exist. Aggressive vegans help create the space where I get to look "reasonable" and "welcoming." The blogger Kinsey Hope once wrote a really brilliant activist typology that describes these dynamics. And of course, it's worth noting that I'm often characterized as an appeaser by feminists, too.)

So. That said? If you think you're going to Get Upset Or Offended by this post, please just don't read it. Seriously. But if you're willing to not freak out for a moment, then here are my two primary arguments for why you should go vegan:

1. ***It's easy.*** Yes, there will be some shitty social situations: awkward moments at restaurants, pushback from your non-vegan friends, and so on. Yes, you will have to avoid some very delicious foods. And food labels will become a whole new world of confusion. But even with all these factors, **veganism really isn't as hard as people make it out to be**.

There's a **lot** of delicious vegan food out there. A number of my favorite foods were vegan before I went vegan, and some of yours probably are as well. (Recipes coming up!) Here is a free online vegan starter guide that includes recipes. Here is a very comprehensive list of vegan cookbooks; they range from "easy" to "incredibly complicated Martha-Stewart-land." I am a fiend for baked goods, and I like *Vegan Cupcakes Take Over The World* by Isa Chandra Moskowitz and Terry Hope Romero. And there's an increasing number of high-quality all-vegan restaurants. My favorite ones in Chicago are Native Foods (delicious cardamom rose cupcakes!) and Urban Vegan (delicious fake orange chicken!).

I won't get involved in appeals-to-healthitude, because I know both healthy vegans and unhealthy vegans, and the science is inconclusive... but I will point that out again: the science is inconclusive. Unless you have an unusual disorder, **modern nutrition has identified *no* conclusive scientific reasons for not being vegan**. Plus: **If you aren't vegan, but you don't pay any attention to eating healthy food, then you're being a hypocrite if you make a "health argument" for being non-vegan even if the science was conclusive, which it's not.** And! If you're really into health, there's a highly-recommended book called *Thrive* written by a vegan professional athlete named Brendan Brazier.

Some of my friends specifically do things like convince people to try veganism for short periods, or run Vegan Weeks at universities or whatever, just to show how (a) delicious and (b) easy vegan food can be. It works surprisingly well. A key ingredient in my own adoption of veganism was knowing vegans, and seeing how simple it was to be vegan. I used to push back really strongly... I think I resisted mostly because it was very hard to acknowledge that by eating animal products, I was participating in an incredibly fucked up system. First I had to recognize that I was doing something really **bad**, that I had been doing so for my entire life, and that most people I love do it too. This is a familiar problem for activists, of course; most people resist acknowledging that they participate in a racist, sexist culture, too. (As one of my vegan friends puts it: "I've found that people usually go through the strongest asshole anti-vegan phase right before they convert to veganism.")

Of all the social-justice acts out there, I actually think veganism is one of the lowest-hanging fruit. It's just so **easy** that the only reason non-vegan culture can possibly persist is through a really high degree of not giving a shit. In a way, that's understandable; I don't have much of a connection to animals myself. A lot of my vegan friends love animals and want to be around them all the time; I don't. If a smelly dog never jumps on me again, it will be too soon. But the fact is, animals have senses and feelings. Interacting with any animal for longer than thirty seconds can conclusively show you that animals like and dislike things, and that they feel something that looks exactly like pain. Which brings me to....

2. ***If you care about consent, then veganism is transparently the right thing to do.*** There are environmental arguments and stuff, but I mean, seriously, let's call a spade a spade: when you eat meat, you're eating the murdered body of an animal who died for no reason other than your transient pleasure. As for animal products: many things that happen to animals on factory farms are abominable and obscene, as two minutes of Googling or this website or this video can show you.

Even if you decide to eat animal products that come only from well-treated animals, there's no way to be sure that those animals were actually well-treated unless you're raising them yourself. As this vegan FAQ points out, there's an amazing amount of animal suffering that still occurs on "humane" farms. *(Salon* has written about it, too.) Some of those farms are doubtless fairly pleasant for the animals, but others.... Well, let's just say that calling some "humane" farms more merciful than factory farms is like saying that being burned alive is preferable to dying in a medieval torture device.

Personally, when I went vegan, a lot of the reason it felt easy was because I no longer had to spend tons of mental energy suppressing my empathy. I was amazed at how relieved I felt. Again, I'm not pretending to be perfect about it -- I eat non-vegan food sometimes in social situations, sometimes when it's about to be thrown away, and sometimes just when I'm drunk. If you need to make accommodations in order to feel comfortable being vegan, then I'm the last person who will criticize you. I'll just be glad you're taking steps towards being vegan.

It took me a long time to decide to go vegan, and I understand that it might take you a long time, too. I've listed a lot of resources in this post and I hope you'll consider looking at them. Questions are welcome in the comments, although I may not be able to answer them. I wish you luck. And if you're already vegan, then congratulations and high-5!

Now for recipes!

I promise that these recipes are beloved by non-vegans as well as vegans. In fact, even when I wasn't vegan, they were some of my favorites. When I feed these dishes to non-vegans, they are frequently startled that the food isn't vegan. (Sometimes I save the Big Reveal for last. Heh, heh.)

(One of my other favorite gentle pro-vegan tactics is to walk into restaurants and ask if they have anything vegan on the menu. When the answer is no, I smile and thank them and leave.)

Organic and fair-trade ingredients are obviously encouraged. I'm not as good about

organic and fair-trade as I could be, mostly because of expense, but I try to do it when I can.

Kickass Vegan Chocolate Chip Cookies

This is a modified version of a recipe that I originally found here, and some of the text comes from that recipe.

+ 1 and 1/2 cups of FLOUR

+ 1 teaspoon BAKING SODA

+ 1 teaspoon SALT

+ 3/4 cup of OIL

+ 2 tablespoons COCONUT MILK (or ALMOND MILK or SOY MILK)

+ 1 & 1/3 cups of UNREFINED SUGAR

+ HALF A BANANA

+ 1 1/2 tablespoons VANILLA EXTRACT (I've occasionally used RUM as a replacement; when I do that, I like to add some CINNAMON)

+ 2 1/2 cups OATMEAL

+ 12 oz. of DARK CHOCOLATE CHIPS

Heat your oven to 350 degrees.

Mix FLOUR, BAKING SODA and SALT together. Set aside.

Mix together the OIL and SUGAR. Mix until creamy. Thoroughly mash the BANANA into the mixture.

Add the COCONUT MILK.

Add the VANILLA.

Stir this mixture until it is a uniform color (this will not take long).

Slowly stir in the FLOUR mixture. Mix this well.

Stir in OATMEAL and CHOCOLATE-CHIPS.

Preheat oven to baking temperature (usually 350 F).

Place large tablespoons full of the batter onto an ungreased cookie sheet (an air filled cookie sheet works best, as the air between the two layers of the sheet keeps the bottom of baked items from burning).

Bake the cookies for about 9 to 13 minutes (ovens vary in temperature). Check them by gently pressing on the top of one of the cookies. If the inside looks moist, but not too wet, they are probably done. It might take you a couple of tries to get the time down, so bake only a few at a time when starting out. Do not, I repeat, do not expect to see them turn

slightly brown when done cooking. Without real eggs, they will not get that dark. They will, however, turn a golden tan.

When they are done, remove them from the oven and allow them to sit on the sheet for about a minute or two before placing them on a wire rack. Be careful with them as they tend to be quite delicate until they have cooled.

Kickass Chocolate Cake

I think I modified this recipe from an Internet source too, but I can't find it now.

+ 1 1/2 cups FLOUR

+ 1 cup SUGAR

+ 1/2 cup UNSWEETENED COCOA

+ 1 tablespoon GROUND CLOVES

+ 1 teaspoon BAKING SODA

+ 1 teaspoon CAYENNE PEPPER

+ 1/4 teaspoon SALT

+ 1 cup ALMOND MILK (or COLD WATER)

+ 1/4 cup OIL

+ 1 tablespoon BALSAMIC VINEGAR

+ 1 tablespoon VANILLA (once I replaced this with ORANGE EXTRACT and added some CINNAMON, and the result was amazing)

Preheat oven to baking temperature.

In a bowl beat together the OIL, SUGAR, SALT, SPICES and COCOA until well-combined. Add the remaining ingredients, and stir until well-combined. Pour into a greased enamel plate or cake dish and bake 20-30 minutes. Don't worry if the batter tastes quite spicy -- it mellows out a lot, when you bake it so that the end result is more chocolate with a spicy after-taste. Cool.

Then mix the following ingredients together, and pour the resultant icing on top:

+ 1 cup POWDERED SUGAR

+ 1/2 cup UNSWEETENED COCOA

+ 6 tablespoons COCONUT MILK (or ALMOND MILK or SOY MILK)

Tofu Tikka Masala

This is a modified recipe that originated with a friend.

+ 5 tablespoons OIL

+ 2 medium ONIONS, thinly sliced

+ 5 large GARLIC CLOVES, finely chopped

+ 2 BAY LEAVES

+ 1 inch fresh GINGER, finely chopped

+ 1/2 inch CINNAMON STICK

+ 4 CLOVES

+ 4 PEPPERCORNS

+ 1 CARDAMOM POD

+ 2 pounds TOFU

+ 1 tablespoon GROUND CORIANDER

+ 1 teaspoon GARAM MASALA

+ 1 teaspoon GROUND CUMIN

+ 1/2 teaspoon CAYENNE PEPPER

+ 1/2 teaspoon GROUND TURMERIC

+ 14 ounces CANNED TOMATOES

+ SALT to taste

+ 2/3 cup SOY YOGURT

Heat OIL in large, heavy-bottomed sauce pan.

Add ONIONS, GARLIC, GINGER, BAY LEAVES, and WHOLE SPICES; fry gently on medium heat until sauteed.

Add the TOFU, and fry until the pieces are lightly golden brown on all sides. (Here are some tips on frying tofu so it has a light crust.)

Stir in CORIANDER, GARAM MASALA, CUMIN, CAYENNE, TURMERIC, TOMATOES, and SALT. Cook for a while (10 minutes works).

Add SOY YOGURT and cook for another while.

As a general rule, the longer you cook a spicy dish like this, the spicier it'll be.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2012/05/14/food-justice-confections-of-a-pickup-artist-chaser/

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POLYAMORY:

[theory] In Praise of Monogamy

This post was published in mid-2011, and it got more attention than most things I've written. The reaction was quite mixed. Some monogamists felt that I was damning monogamy with faint praise. Some polyamorists felt that it was problematic for me to write a post praising the culturally dominant Western mode of sexuality, because it's already dominant. On the other hand, the piece was cross-posted at a number of high-profile websites, and I got a lot of positive commentary too.

My favorite comments came from Pepper Mint, a polyamory advocate who commented on this post when it was cross-posted at Feministe. *I really felt like Pepper got what I was trying to do. Here's an excerpt from one of his comments:*

"Monogamy is [perceived as] a hegemonic requirement, not an option that should be advocated. So when people espouse monogamy (which is rare, since it is hegemonic), they do it by claiming that anything else is impossible or they do it by making moral statements. I challenge you to find a mainstream article that actually lists out the pragmatic benefits of monogamy, like Clarisse has done here. I don't think I've ever seen one. Indeed, when monogamy is explicitly discussed in the mainstream currently, it often seems to be in 'is monogamy realistic?' articles.

"Note that this is all to the detriment of monogamous people as well as nonmonogamous people. When I talk to people about polyamory, I get a lot of defensive responses, for the simple reason that monogamous people are often monogamous because they did not know there was a choice, rather than monogamous by inclination or what have you. Discourse that presents monogamy as an actual choice and lists out the pros and cons of that choice is nonmonogamy-affirming in my book, unless it is hugely one-sided.

"We have a problem in the poly communities I engage in, where people new to polyamory spend a couple years unfairly trashing monogamy. This is partly out of anger from their history and partly because they've finally found what they are looking for and everything else looks shabby in comparison. But it creates ill-will where none need exist, it screws up people's approach to relationships, and it bites people later if they want to go back to monogamy.

"So as a polyamory activist I'm very glad this essay was written, and I've posted similar things myself in various forums. It addresses a hole in the discourse that is very important to fill."

Thanks, Pepper.

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In Praise of Monogamy

There are lots of different ways of approaching non-monogamous relationships, such as:

+ **Polyamory**: Usually emphasizes developing full-on romantic relationships with more

than one partner. (I've been researching polyamory since my teens, but only in recent years did I decide to actively pursue it.)

+ **Swinging**: Usually emphasizes couples with their own close bond, who have relatively casual sex with other partners. (Another difference between swinging and polyamory is that swingers tend to be more at home in mainstream culture, whereas polyamorists tend to be geeky or otherwise "alternative." The blog *Polyamory In The News* has a great, long piece on poly culture vs. swing culture.)

+ **Cheating**: One partner does something with an outside partner that wasn't accepted or understood in advance. In monogamous relationships, cheating usually involves having sex with an outside partner. Cheating exists in polyamorous or swing relationships as well: for example, a person might cheat on a non-monogamous partner by breaking an agreement -- an agreement such as "we don't have unprotected sex with other partners."

Just in case it needs to be said: **I never advocate cheating, ever**. As for the first two, I know both poly people and swingers that I consider totally decent and wonderful folks! I have more personal experience with and interest in polyamory, though.

Yet one thing that often gets lost in conversations about all these options is the **advantages** of monogamy. Of which there are many. Although I don't currently identify as monogamous, I had a very strong monogamous preference for years. I knew that polyamory existed, and I thought about it a lot, because it's interesting -- but I just didn't feel like it was for me. (In fact, my most adamantly polyamorous friend used to call me his "reasonable monogamous friend." He said I had examined polyamory enough to reasonably reject it, whereas he felt most people never consider polyamory deeply enough to have a thoughtful opinion.)

And lately lots of my monogamous friends have been getting married. So I've been thinking about the positive aspects of their relationship choices as I dance at their weddings, devour mini-quiches, flirt with their brothers and try to avoid offending their parents. (Okay, I've actually only flirted with one brother. So far.)

A Few Advantages of Monogamy (this is not a complete list)

+ **Jealousy management.** Some people experience jealousy more than, or less than, or differently from other people. Plenty of people in non-monogamous relationships experience jealousy -- and plenty of non-monogamous people handle it just fine, through open-hearted communication. (Often, jealousy is managed through very detailed relationship agreements such as a "relationship contract.")

But there are also plenty of people who appear to lack the "jealousy chip."

And then there are plenty of people who experience so much jealousy, who feel that jealousy is such a big part of their emotional makeup, that the best way to manage it is simply through monogamy.

Personally, I used to get a lot more jealous than I do now. I think I'm less likely to get jealous these days partly because I've gotten better at finding low-drama men. Jealousy has a reputation for being an irrational emotion, and sometimes it genuinely is an unreasonable, cruel power-grab. But I think jealousy is often quite rational, and often

arises in response to a genuine emotional threat... or deliberate manipulation.

There's another reason, though... I've also noticed that some switch in my brain has flipped, and I've started to **eroticize** jealousy. I occasionally find myself fantasizing about men I care about sleeping with other women, and sometimes the fantasy is hot **because** I feel mildly jealous. I cannot explain how this happened. It surprised me the first time it happened, believe me. What's really fascinating is that I think **the same part** of me that eroticizes jealousy, is the part that used to make me feel sick at the thought of my partner sleeping with someone else. Masochism: the gift that never stops giving!

I think it's important to note here that I didn't become less jealous because I felt like I "should", or because I was told not to be jealous. In fact, I had an early boyfriend who acted like I was a hysterical bitch every time I got jealous... and he made things much worse. With him, I just felt awful when I got jealous; I couldn't get past it. I felt like he was judging me for something I couldn't help; I felt like my mind was fragmenting as I tried to force myself to "think better" without any outside support; and worst of all, I felt like I couldn't rely on him to respect my feelings.

It was the men who treated my emotions like they were reasonable and understandable who decreased my jealousy. It's much harder to be jealous when your partner is saying, "I totally understand," than it is when your partner is saying, "What the hell is the matter with you?" Maybe that's what makes monogamy such an effective jealousy-management tactic: monogamy can be like a great big sign or sticker or button you can give to your partner that says, "I respect your jealousy." Which is not to say that monogamy is always effective for this -- we all know that monogamous people get jealous all the time! (Which only adds to my point that monogamy might be viewed as just one of many tactics, rather than an answer, when jealousy is a problem.)

+ **Focus.** There's an oft-repeated joke among polyamorists that "while love may be infinite, time is not." And sometimes, I've found it a little difficult to "switch gears" to a different partner. New Relationship Energy can be a little harder to manage in the polyamorous context than it is in serial monogamy.

I've heard of polyamorous couples who specifically take periods of monogamy when one partner really wants one. This seems like it could be problematic -- for example, if my hypothetical primary partner wanted a period of monogamy, and I had a secondary partner (or partners) with a serious emotional connection, then I probably would not be cool with straight-up ignoring my secondary for weeks or months. There'd have to be more of a conversation about it. But regardless, this whole line of thinking makes an interesting showcase of how sometimes, people feel like they just have to focus on one relationship.

Personally, I'm quite interested in S&M games of orgasm denial, though I've never had a chance to mess around with it as much as I'd like. I'm also interested in long-term lust management strategies like karezza, where the partners involved choose not to have orgasms -- instead, they maintain a low level of mutual arousal at all times. I have no moral problem with my partners looking at porn or having orgasms on their own, but sometimes when I hear about the effects of choosing not to do those things, it sounds like there's really powerful bonding potential there. Something to keep in mind for the next

time I'm really serious about someone, I guess. Monogamy isn't necessary for these things, but it would definitely make doing them less complicated.

+ **Societal acceptance.** Straight up, monogamy is the Western societal default. In some ways this makes monogamy hard to understand and communicate about -- because there are so many assumptions and built-in expectations, and folks don't always agree on those expectations! A recent study found that 40% of young couples don't agree about whether or not they're monogamous. That amazes me, because I have never assumed that I was monogamous with a partner until we had a conversation establishing that we were monogamous... but I guess I can see how it happens, if people feel anxious about communicating and fall back on assumptions instead.

Usually, however, being the societal default makes monogamy easier. Heterosexual monogamous people can get married with no problem, for example, and while marriage is obviously contested territory for non-hets, it's instructive that "gay marriage" is such a big political issue (while "polyamorous marriage" is currently nothing more than a specter right-wingers use to scare people about gay marriage). Outsiders usually assume that you're monogamous when you introduce your partner. Romantic comedies exalt monogamy; the media, and many people around us, associate monogamy with love. When you're monogamous, you never have to articulate your weird relationship structure to your parents. You rarely have to think outside the box about relationship problems, and you can go to any Western advice columnist or therapist and be sure that they'll recognize your relationship as legitimate. (Those of you who like privilege checklists might enjoy this monogamous privilege checklist, which is patterned after Peggy McIntosh's classic essay and white privilege checklist.)

+ **Some people just like it better.** Occasionally, people will toy with the idea of an "orientational" element to polyamory or monogamy: some folks just plain feel aligned with monogamy or non-monogamy. (I have similar thoughts about this as I do about BDSM as a sexual orientation.)

Personally, I always think it's really key, during any sex-positive critique, to emphasize from the start that whatever you like is cool as long as the actions you take are consensual. I know people who act all apologetic for being monogamous, usually because they've been overexposed to "polyvangelists" who argue that non-monogamy is "better" or "more evolved." This is silly! Liking monogamy doesn't have to be justified, as long as you don't turn around and claim that non-monogamy is bad and wrong. And liking monogamy is a perfectly awesome reason for preferring monogamy!

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/06/09/in-praise-of-monogamy/

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POLYAMORY:

[theory] My Top Questions About Dealing With Multiple Lovers

I wrote this in early 2011. The comments on the online version are especially good -- lots of viewpoints and resources shared. Sometimes my commenters just blow me away.

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My Top Questions About Dealing With Multiple Lovers

I have a lot more theoretical exposure to polyamory than personal experience, but I've been gaining more personal experience over the last year. It's often interesting, sometimes painful.

Some recent experiences are making me think I am not nearly as smart or as on top of my emotions as I like to believe I am. I remind myself that I have to be willing to acknowledge when I don't know what I'm thinking, but that's harder than it looks... I don't always take enough time to understand my feelings before speaking or acting.

Still. Through the stupid mistakes and the understandable ones, though my own failures to be sensitive and the little heartbreaks I've sustained, I've been learning.

One thing I think I've figured out is what I want: I want a number of different relationships that are ongoing, and one or two relationships that are primary, or especially committed. Ideally, in fact, I'd love to eventually have a permanent relationship with a primary polyamorous partner in which we have kids with each other, live together most of the time, etc, but are still polyamorous. That would be a while in the future, though -- for now, it's important to me to not feel as though my partners expect me to settle down or stay in one place or anything like that. It seems like any relationship I develop, even during this relatively early time in my life, could become a child-rearing relationship eventually -- like, years from now -- but if it does, I doubt I'd want to make it monogamous.

I recognize that we don't always get our ideal world. In fact, we usually don't. Although polyamory is a high priority for me, it may be something I eventually compromise on, given that the majority of people in this world identify as monogamous.

Keeping all that in mind, my preference for polyamory presents some challenges, and questions that I worry about. Such as:

1. **What are my responsibilities towards my partners' other partners?** A lot of poly people will tell you that if you get into a relationship with, say, a married polyamorous man, then you must also expect to interact with his spouse. In other words, don't assume that your relationship means you only interact with one half of a couple. I'm totally fine with this, but on occasion I've felt like I was getting sucked into the couple's problems, or like I was expected to have no individual relationship with my partner -- that I always had to go through his primary partner.

Yes, it is certainly my responsibility to communicate with my partners' other partners and to be friendly with them. But I need to set boundaries on that too -- just dating a poly guy

does not make me their relationship therapist, and it doesn't make me best friends with his other girlfriends (or boyfriends, for that matter). I am responsible for what I do, but I'm not responsible for what he does. I am responsible for how I treat his spouse, but I can't be responsible for how he treats his spouse.

But what if I'm already friends with someone, and one of my partners gets involved with that person? Do I have special responsibilities in that case? I'm still figuring that one out.

2. **When is it actually the best time to start talking about polyamory and setting out relationship definitions?** My approach so far has been to put poly on the table during initial conversations, and then talk about it more when the topic of the relationship comes up. But I've been thinking lately that I probably should go into more detail sooner, because people have such different stereotypes of open relationships that I can't be sure they're on board with what I'm talking about unless we've discussed polyamory in-depth.

I feel like I talk to a lot of people who think they want a supposedly "polyamorous" relationship because they see it as a no-strings-attached free-for-all, and that's definitely not what I want. Or I talk to people who back away from polyamory for the same reason. I see polyamory as being about **more** commitment to relationship negotiation, not less. I see it as being about setting individual boundaries, if necessary -- it's not about having no boundaries. I see it as being about creating a secure situation for all parties involved -- not making anyone insecure, or ignoring anyone's needs. And being polyamorous doesn't make my relationships unimportant to me. Being in love doesn't seem at odds with polyamory for me.

This is a hard thing to communicate in a small dose, though, especially if I'm dealing with someone who has minimal exposure to the concept. On the other hand, having a Serious Conversation about polyamory on the first date is a bit much.

3. **Is it a good idea for me to get involved with guys who ultimately want monogamy?** As I noted earlier, I might compromise to monogamy eventually, but poly is a priority for me. (Who knows, maybe I'll decide it's my ideal relationship formation again someday. This seems unlikely to me right now, but anything's possible.)

But what if I get really into a guy who ultimately plans to be monogamous? Is this a bad call on my part? On the one hand, if I go on a few dates with a 28-year-old guy who doesn't want to get married until his mid-30s but definitely wants a monogamous marriage when he does... I mean, why not have a relationship? On the other hand, I may be setting myself up for heartbreak in such situations, if he basically sees our relationship as "not real" from the start. This brings me to my next point....

4. **Some people see polyamory as a sign of commitment-phobia.** I've made this mistake myself -- in fact, the "polyamory as commitment-phobia" stereotype is so strong that I've occasionally reversed it and wondered if my desire for it was a sign of commitment-phobia. But the fact is, my appreciation for polyamory only increased as I became more certain about what I'm seeking in a partner, and as I gained more understanding of how to negotiate that. It's come along with relationship confidence and understanding.

I feel pretty okay with believing in commitment in the context of polyamory. But my

potential partners might not be. I already tend towards emotional caginess and am sometimes accused of being way too emotionally controlled -- I'm worried that I'll be read as a "player" (or a "slut") by people who write me off as a result. I'm also worried that some may be attracted to me because they see me as an emotionless player, whether they admit it or not -- indeed, even if they don't admit it to themselves -- and will be annoyed if I turn out not to be that way. Stereotypes and assumptions are tricky to root out whether we're aware of them or not.

Some days, I get nervous that the guys who are going to be willing to talk about and process relationships in the depth that I'm looking for, with a degree of acknowledged emotional commitment, are all monogamous. Then I remind myself of how many awesome polyamorous men I know, and also that I'm falling for stereotypes yet again, just by having these fears.

5. **Other questions:**

How open am I to casual relationships that don't seem to be going in an emotional direction, given that I don't have to give up on more serious relationships to have them?

How does being poly change breakup dynamics?

In the absence of monogamy, are there different signifiers that a relationship is serious -- or is getting serious? How can I get better at both giving and reading those signifiers?

What are the other poly stereotypes I've internalized, and how do I act against them? What are the other poly stereotypes I should look out for from others?

6. **Sigh.**

Rereading all my questions and rethinking all my thoughts makes me feel somewhat exhausted. Relationships are hard, and hacking the expected models makes them hopefully more fulfilling... but also so much more complicated. My life seems so weird sometimes; a week doesn't go by that I don't wonder why I'm not getting a nice typical job and settling down with a white picket fence and the monogamous husband and having 2.5 kids. That is not actually what I want, but sometimes the image seems seductively easy.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/04/11/my-top-questions-about-dealing-with-multiple-lovers/

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SEX WORK:

[storytime] One Blurred Edge of Sex Work: Portrait of a Sugar Baby

I published this interview in January 2012 at the gender-lens website RoleReboot.org, where I had just taken on the role of Sex + Relationships Section Editor. Olivia left the business in mid-2012, as you can read in the piece that follows this one.

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One Blurred Edge of Sex Work: Portrait of a Sugar Baby

Sex work is a controversial and polarized topic, and there are many perspectives on it. My position is complex -- but for me, when it comes to how we actually interact with sex workers, one important factor is whether or not they consent to and enjoy their jobs. I am absolutely in favor of giving better options to sex workers who do not enjoy their jobs, and I am horrified by the idea of a person being trafficked or coerced into sex that they don't want to have. But I also know people who have sex for money 100% voluntarily, and I do not want to deny their experience.

My friend Olivia, a 25-year-old graduate student, recently started advertising her services on a "Sugar Baby" site called SeekingArrangement.com. I think it's important for more people to understand these kinds of experiences, so I asked to interview her. Many people have pointed out that once a person starts thinking about the definition of "prostitute," it's a bit difficult to define what exactly a prostitute is. Some of my sex worker friends have asked the question: what exactly is the difference between a person whose partner buys her a fancy dinner after which they have sex -- and a person whose partner buys sex with money? Olivia has thought at length about this, and I'm grateful to her for sharing her perspective on that question, and others.

Please note that Olivia is exceptionally privileged. What you are about to read is a portrait of what the sex industry looks like for a person who is very privileged: she comes from a white upper-middle-class background, she is not desperate, she is being paid a lot of money, she does not have a drug addiction. Many other peoples' experiences in the sex industry are very different.

Clarisse Thorn: Hey Olivia, thanks so much for being willing to talk about this incredibly complicated topic. Could you start by defining a sugar baby site? What is it?

Olivia: I use the site SeekingArrangement.com. I don't actually know how many sugar baby sites there are, but I get the sense there's more than one. It's very hard to pin down exactly what it does. I guess it connects people, usually with a big age gap, who are interested in exchanging some kind of material goods or financial resources for some form of companionship that is often sexual -- but not always.

As far as I can tell, the site's founder is very against the claim that this is prostitution. He puts out a lot of publicity claiming that this site has nothing to do with prostitution. At first I thought that he was trying to evade legal consequences, but I think he actually probably believes that. The site has a blog that he controls, and you can look at it to get a sense of what he's thinking. One post I think is really interesting is called "Sugar Baby & Sugar Daddy: The Modern Day Princess & Prince?", which compares being a sugar baby to a kind of "happily ever after" princess fantasy.

So far, no one I've talked to seems remotely interested in hiring what they see as a "prostitute." They seem to want to be having sex with someone they find very attractive who is also someone they feel like they can respect, whose intelligence they respect. For example, someone I see occasionally -- the last time I saw him, he gave me money at the end and he said that he felt good about giving me the money because he knew I wouldn't spend it on, quote, "a designer handbag." He seems to think that I am reasonably ambitious and have my shit together, and he seems to feel more comfortable giving me money because he knows it goes towards my grad school costs and credit card debt. My ability to write with proper grammar, without overusing emoticons, appears to be my biggest sales point. Men have told me this outright.

That guy also mentioned feeling more comfortable because he thinks I'm from the same social class as he is. There are a lot of class issues coming up in these encounters, I think. Being white and from an upper-middle-class background may help me get clients. My background has also given me a ton of confidence that puts me at an advantage when negotiating. I do not think I radiate "take advantage of me," and I (nicely) tell guys who start doing that to go away.

The guy I was just talking about -- he also mentioned that he feels like he doesn't want to have sex with someone that he doesn't feel at least a little bit connected to. There's a distinction between meaningless sex and casual sex. I think these guys want casual sex -- maybe they aren't at the point where they want to deal with having a partner, or they're really busy at work, or they already have another partner -- they want casual sex but not meaningless sex.

In my encounters with these men, the money does two things. Firstly, it enables them to have a relationship with me that they wouldn't otherwise be able to have. Secondly, it puts them in this position where they can give me something valuable and have that be appreciated. The guys I see really want to feel appreciated.

Clarisse Thorn: Do you feel like this has given you any new insight into gender roles?

Olivia: Hmm.... It's made me feel more powerful. I definitely feel like I am the one with the power in this situation. When I show up, I don't feel like -- here is this rich, powerful person who is about to bestow wealth upon me. I feel like -- here is this person who is a bit sad and lonely, and maybe I can make their day better.

A lot of the men who are on this site want to feel appreciated, so it's important to them that the woman they're with give off the appearance of appreciating them. So for example, on the website there's a lot of talk about sugar daddies being "mentors" or "benefactors" rather than clients. They seem to want some combination of me asking them about their day, and they also want to feel like they're bestowing knowledge upon me about the world. One of the men I see will always talk about his opinions about money. He has complicated feelings about himself having money because he doesn't come from money, so he's trying to work those out. But he also keeps telling me in a very serious voice that money will not make me happy, that nothing I can buy will make me happy. I tell him that I can buy security and he says yes, that is one thing I can buy.

Other men seem to be having issues with their age. One mentioned that he's just turned 40, and that's really bugging him. Then he flaked out on me a couple times -- I don't think he was completely okay with his own decision to be seeing me. But anyway, often, another thing these men seem to get out of it is access to someone who has a bunch of youthful energy and optimism and just plain new ideas. A lot of them have mentioned feeling stuck, or bored, or cynical, or intellectually constrained. So in this sense sex is only one thing I'm offering them -- I'm also offering them optimism, hope, energy, and so on. Firstly, the sex is good in and of itself, as most of them aren't getting laid otherwise. But the sex is also a symbol of them getting access to my youthful energy or whatever.

I think the archetypal image of a mistress involves a woman being "kept" so that she doesn't have to work, so that she can be available for sex basically whenever. But I don't think this is what the men I see want. I am more valuable to them because I have other work that I am seriously invested in, and am having sex with them anyway. Again, these men are interested in a woman who they see as more "equal" to them -- in this case, defined by earnings potential -- and they seem gratified by the idea that they could help me enter their income bracket someday. This is, of course, still kind of patronizing; like I said, they keep using words like "mentor." It's also presumptuous. But I think a lot of them being patronizing and presumptuous can probably be attributed to age and wealth, and only some of it to gender.

I think I've learned more about class and money than I have about gender. It turns out there are people to whom $1,000 versus $3,000 doesn't matter that much, and I finally understand that on a visceral level. $1,000 doesn't mean the same thing to me as it does to most of them. I knew this, but now I *really* know it.

Another thing I've been struck by is exactly how much romantic relationships are worth. I've had several clients tell me they don't feel wealthy, and they feel like they worry about money a lot. I think they were sincere. Of course, my first thought was: don't you think that your $2,000-per-month prostitute is part of the budget that could be trimmed? But I think that maybe it's not, actually. I think *they* think that investing a lot of money in me is a good investment for them if it gives them a release valve so they can deal with the rest of their lives. They're probably right.

Clarisse Thorn: You mentioned that you feel powerful in your relationships with these men. But there are issues of your safety, right?

Olivia: I think there are issues of safety anytime a person meets someone they don't really know, especially if they plan to spend time in private. And especially if you're dealing with topics as sensitive as sex or money. There may be more issues of safety with this because some people really do believe that money can buy them anything. But for the most part, when I meet people they seem very respectful.

Things I do to increase my safety are that I tell my husband and my friends where I'm going to be, I tell them exactly where I am. I'll do things like take down a client's license plate number and text it to my husband. I've been thinking maybe I should look at each client's driver's license too, and text the client's name and driver's license number to my husband. I think some clients might feel threatened by that, though.

The most important thing for my safety is that I'm willing and able to walk away from situations. I'm not desperate -- I won't starve or die if I don't do this work. I meet all my clients in public first for a meal, and if someone sketches me out, I leave. I'm not so desperate that I'll get into a situation that scares me.

I guess I am at risk if I meet a really crazy person who wants to chop me up and put me in a dumpster. But I could meet a person like that during a normal night at a bar, too.

The major risks that I see include that I might catch an STD -- but I use protection. I might end up alone with someone who believes that the money he's paying actually gives him the entitlement to do whatever he wants to my body, but I've never encountered anyone like that. The thing is, as I said before, I haven't met anyone who I think would actually describe themselves as paying for sex. The terms on which I continue to see these men are probably less explicitly negotiated than an escort's terms would be. I don't have flat rates, for example.

I've heard escorts complaining that people who use sugar baby sites are unprofessional, and I think that from an escort's perspective they probably are.

Clarisse Thorn: If people are unwilling to actually talk about sex for money, it must be hard to negotiate your encounters. Do you have a set of steps for negotiation?

Olivia: I haven't been doing this for very long. It's varied so far. Usually, I meet them for some kind of meal, and we chat. We have a perfunctory conversation, like -- "How was your day?" Then one of us will say something like, "Tell me a bit more about what you're looking for. Why are you on the site?"

Then we'll explain our deal to each other. Like, he might say: "I'm divorced, I'm looking for companionship." At some point, money comes up. I am always extremely vague when I talk about money. I've found a good deal of variation in how squeamish people are about money.

For example, one client was saying that he wanted to get married again, but not yet. I said, "Huh, well, if you're interested in a more emotional relationship, how do you feel about involving money?" The way he explained it to me was that people are attracted to each other for all kinds of reasons, probably including money, so why not be up front about the fact that money is attractive. He seemed almost confused about why I asked. With that guy, I ended up sleeping with him before we even talked about money -- which was a huge risk, but I thought it might work, and it did. We had the money conversation immediately after we had sex -- at some point when we were taking a break, I asked what he was looking for more specifically from this relationship, and he said that he wanted to see me again, maybe once a week. I think I asked him his preference for a monthly allowance as opposed to every time we meet, and he said he'd rather do something monthly. Then when we were getting dressed, he pulled out $1,000 cash and handed it to me, and said, "I'll give you the balance next time we see each other."

With other people I can be more straightforward. Maybe they aren't sure how to set up the relationship, so maybe I talk about another client, like: "I have another client I see 3 times per month for $3,000," and they might say, "That sounds good." But some guys will just negotiate it per encounter. One guy brought it up very quickly after we'd

exchanged some emails. He said that he prefers to do a "per meet" of $300 -- he called it a "per meet" -- I told him that was too low and quoted him $1,000, and he said he'd meet me in the middle. Another guy told me that he would just slip $400 into my purse when he saw me, and that's exactly what he did.

I have one client I've never explicitly discussed money with at all. I had lunch with him, and we didn't negotiate anything, though we talked a little bit about our reasons for being on the site. The next time I saw him -- we were deciding where to meet, and he asked if he should get us a room. I said that I would like that, so I met him and we had sex. He knew it was my birthday soon, so as we were getting dressed, he said, "I know we haven't talked about money, so I got you some birthday spending money," and he handed me an envelope with $400. The next time I saw him, he asked about my plans for the evening. I said I was having dinner with a friend, and he handed me $400 in an envelope and said, "Maybe this will help pay for it." I'm lucky that I'm willing to accept $400 -- it's my lower bound, but I'm willing to accept it. Imagine if I hadn't been willing to take $400 -- that would be super awkward. Probably I should have negotiated that situation more clearly, but it worked out okay.

I've heard about situations where unclear negotiations did not work out okay. There was a *New York Times Magazine* article about the site published in 2009. In that article, there were some examples of unclear negotiations that didn't work out well. But it sounded like that woman didn't really know what she wanted, and didn't really enjoy the work. But I do. And I know other women who do, too.

I have a new client who paid me $3,000 up front to see me 3 times a month. But I haven't heard from him since our first meeting. If I were his girlfriend, I'd call him, but he asked me not to call him. So I don't really know what the deal with that one is. Maybe he's gonna flake out on me, but he already gave me $3,000, so that would be weird.

Clarisse Thorn: So, your husband. You mentioned him briefly. How does your husband feel about this?

Olivia: He does not seem particularly threatened. We already have an open relationship. I think he sometimes feels very visceral jealousy, but that's just like any other time one of us has sex with somebody else. We just have to talk about it.

Part of the deal here is that I'm doing this because I'm broke. My husband really wants to be able to support me financially, but he can't right now, so I'm supporting both us doing this. I think that's a real blow to his ego. To the extent that he gets bothered, I think it's because I'm allowing other men to support me and give me money; he doesn't care about the sex. Even though I see this as work, he sees this as "here's this rich successful guy who just gave my wife a bunch of money, and she slept with him -- so probably she's attracted to him."

I am kind of attracted to my clients, and I kind of get off on making them happy, and I happen to think that the age difference is kind of hot. I like having sex with them; it's not unpleasant. I like hearing about these guys' life stories. I think it's interesting. But these guys would never be a threat to my husband. I would never be sleeping with any of them except for the money. And I love my husband. I'm always very up front about the fact

that I'm married and I love my husband. My clients accept that.

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2012/01/05/one-blurred-edge-of-sex-work-interview-with-a-sugar-baby-part-1/

and

http://clarissethorn.com/blog/2012/01/09/one-blurred-edge-of-sex-work-interview-with-a-sugar-baby-part-2/

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SEX WORK:

[theory] A Sugar Baby Leaves The Business

I published this in 2012; it continues Olivia's story. Thanks again to Olivia for being so incredibly generous with her time and her thoughts.

* * *

A Sugar Baby Leaves The Business

Previously on Role/Reboot, we ran an interview with my friend Olivia, a 25-year-old graduate student who had just started having sex for money through a "sugar baby" website called SeekingArrangement.com. In the interview, Olivia covered a lot of topics. She mentioned that she usually feels powerful in her relationships with her clients. As she put it, "When I show up, I don't feel like -- here is this rich, powerful person who is about to bestow wealth upon me. I feel like -- here is this person who is a bit sad and lonely, and maybe I can make their day better." Olivia also noted that her negotiations can be delicate, because some men are quite squeamish while talking about money. And she explained that she's married -- but it was already an open relationship, and she doesn't see having sex for money as different from the other kinds of sex that she and her husband were already having with other people. To deal with it, they're sure to communicate clearly. As Olivia said, "We just have to talk about it."

In the months since that interview, Olivia and I have hung out occasionally to talk about her experience with sex work. She's traveled across the city to meet me, and often bought me coffee; non-judgmental social support for sex workers can be rare, and I've seen more of her since she started the job. Although she really enjoyed the work at first, there were tough times too, especially after the novelty wore off. Recently, Olivia decided to stop seeing clients. We talked it through and she gave me permission to write about it. (She also reviewed this article pre-publication.)

Obviously, there were logistical complexities from the beginning. Taxes were a

nightmare. Olivia wanted to pay them, but it's not the easiest proposition. Then there was the question of paying off her debts. Some were simple enough, but then there were loans co-signed by her parents, and there was no way she could make any headway on those loans without talking to her parents... so Olivia had to maintain the fiction that she couldn't pay.

That was nothing compared to the complexities of feelings and communication, though. I've already shown you how hard it was, sometimes, for Olivia to talk about money with her clients. There are other, subtler problems that are hard to handle with empathy: for example, creating the Girlfriend Experience persona.

I've talked to sex workers who enjoy creating a "sexy dreamgirl shell" on behalf of their clients. One of them said to me: "I create that persona for my boyfriends anyway. It's nice to be paid for it." But as a feminist sex writer who's spent years working to understand my own sexual authenticity, this freaks me out a bit. I think it would feel terribly toxic and inauthentic for me.

It often felt inauthentic to Olivia, for sure, and that got harder and harder. "These men are very invested in believing that I'm super into this," she told me once. "I have to keep up the front, and make them feel like I'm interested all the time. It's literally my job to do that. When they tell me how happy I am, or when they inform me that I'm enjoying myself, I can't really contradict them, even if it's not true. Some of them use words like 'magical' to describe me, but the person they're describing is not really me. Sometimes I think these guys pay me because in a non-professional relationship, a woman might push back when he says those things. She might contradict his idea of her too much."

In fairness, Olivia naturally fits one glam stereotype of the middle-class sex worker: the sexually adventurous young student. It's such a widely-promoted stereotype that experienced sex worker activists speak derisively about it, and some escorts lie and say that they fit the profile when they don't. Presumably, clients enjoy believing that a girl is a sexually adventurous college student because it capitalizes on images of "sexy coeds" -- and convinces the client that she's not being emotionally harmed by the work. (I've often thought that it's way past time for "fair trade prostitution," where sex trade ethics are made into a competitive advantage. I've also thought that the most feminist thing I could ever do would be to open a brothel where all the sex workers are treated well. Too bad it's illegal.)

Of course, SeekingArrangement.com actively encourages the idea that a "real relationship" can emerge from these arrangements. (In our previous interview, Olivia pointed out the SeekingArrangement blog post "Sugar Baby & Sugar Daddy: The Modern Day Princess & Prince?" Another interesting one is called "Sugar Babies Do Fall In Love.") While some guys on the site really do just want to pay for straight-up sex, some become emotionally invested in the women whose company they buy. And we can tell from Olivia's experiences negotiating payment that a lot of guys don't like thinking about how they're paying for it.

Bottom line: more than one of Olivia's clients were into her for real, and she felt more and more uncomfortable about it as time passed. One man took a surreptitious photo of her and hung it on the center of his otherwise-bare refrigerator. Another client made faux-

offhand wistful comments such as, "If you weren't already married, haha...."

Olivia asked my advice on one of these guys, who was clearly falling in love with her from the start. She mentioned that she'd already talked to another sex worker about it. The other worker's reaction was, essentially, "What problem?" As Olivia put it: "She told me that the guy is basically a locked-in regular now, so what am I so bothered about?" But after a while, Olivia couldn't take how guilty and anxious she felt around this guy, what with the feelings she couldn't return. She stopped responding to his messages, but didn't tell him clearly that it was over because trying to phrase the email felt so awful.

"I was so unprofessional about it," she said. "In the end, he sent me this incredibly sweet note asking what he'd done to hurt me so badly. So my husband helped me write a 'it's not you, it's me' breakup email. I still feel bad."

Another facet of emotional difficulty arose when Olivia's husband started taking a medication that decreased his libido. This put the couple in the odd position of Olivia having sex with other men, but not her husband -- with her husband's full knowledge and consent. Although her husband tried to reassure her, she began feeling less secure and stable at home. And sex work is stressful enough that home security can really, really matter. Indeed, at one point Olivia mentioned: "One of my friends is tempted to get into sex work. But she says she doesn't think she can deal with it, emotionally, unless she has a partner at home who loves her and will back her up. So I'm not supposed to let her have sex for money until she's in a good solid relationship."

Finally, as Olivia fielded other life stresses, she flatly realized that she couldn't have anything extra going on. What with all the above conversations, we saw signs that the change was coming, but when it arrived it was both sudden and intense. "One day I just knew I had to stop," she told me. "It's bad, because we're behind on rent now, but I had to stop. My husband pointed out, gently, that we need the money. But of course he accepted it when I said I was done. Anyway, I managed to line up a good temp job, so we're okay for now."

I tried to show in the original interview that Olivia is very privileged compared to most sex workers. She's got race privilege for her whiteness, class privilege from her background; she's pretty and young and "valuable," and has tons of education to boot. She doesn't have a drug habit or some other truly debilitating issue. Although she's under some financial stress, she's not desperate.

And that leads me to this question:

If even a woman like Olivia -- who was well-treated and made a lot of money and didn't feel trapped; whose life sounded like the glam fantasy of today's high-end call girl -- if **even a woman like Olivia** eventually needed a break from sex for money, then what could this imply about the experience of less privileged women? I've got a bunch of sex worker friends, and I would never say that a woman can't be a 100% consenting adult sex worker who enjoys her job. But what I'm trying to get at, here, is that even on the "high end," sex work can be incredibly demanding. Even when sex work is as pleasant as it possibly can be, it's often very hard.

I'd like to see more conversations that acknowledge the reality of sex work as

emotionally intense and challenging, a job that can be bad for many people at many times in their lives -- without letting go of the fact that some people can and do freely consent to the job. (The sex worker Mistress Matisse has written a fair bit on sex work and emotional labor. And male sex workers don't always have an easy time; the porn star Tyler Knight has written about some of his more difficult moments, too.)

The point is not "sex work is bad and should be banned" -- but nor is it "sex work is glamorous and fun!" The point is, sex work is often hard work, even for people who are not mistreated or abused. As such, it deserves both respect (from outsiders) and open-eyed caution (from those who consider taking it up).

Olivia's not sure she's done with sex work for good. "The door is still open for future involvement," she told me, last time we met for coffee. "If I do go back, I think I may try for straight-up escorting, but I'm not really sure...." Presumably, working as an escort rather than being a "sugar baby" might evade some of these confusing, strangely-negotiated situations. Would it evade all of them? It's hard to say.

Regardless, I wish her luck.

* * *

After June 1, 2012, this can be found on the Internet at:

http://clarissethorn.com/blog/2012/06/01/a-sugar-baby-leaves-the-business/

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Section 2 Study Guide

This section was intended mostly to highlight various "other" perspectives that I feel are significant to sex and/or activism.

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1. Do you see your sexual identity as placing you in a community, or is it more private? Or is it a little bit of both?

1a. If you identify as part of a sex community, then are there ways you can contribute to that community? (For example, if you had evidence that abusive relationships were a problem in your community, what could you do about it?)

* * *

2. What kind of educational needs do you perceive around sexuality? Is there a way you could contribute to positive sex education?

2a. Does your community have specific or unique needs around sex education?

2b. If you have children, how do you plan to educate them about sex? Specifically, how do you plan to tell them about the stereotypes and limitations affecting the different

groups described in this section?

* * *

3. How do you look out for and support other members of your community, especially when it comes to sex?

* * *

4. What lessons from your sexuality do you think are applicable to people who don't share your sexual tastes?

4a. Are there pieces from this section that feel relevant to you, even if they aren't talking about your experience or preferences?

* * *

5. What are the overarching patterns that you see within the pieces in this section? How are these disparate topics relevant to each other?

5a. If some of these pieces are about people you have trouble relating to, then can you think of ways you could relate better to those people?

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SECTION 3:

Making It Complicated

In which we really get into it.

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When I think of this section, I think of:

People's ability to understand their own emotional and physical experiences and sensations is limited by what is safe to ask or know, what systems of interpretation they have received for screening that raw material, and whether they find it possible to connect with anyone who thinks differently about these matters.

~ Pat Califia

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RELATIONSHIPS:

[storytime] Chemistry

I wrote this in late 2011, while I was finishing up the first draft of my awesome book Confessions of a Pickup Artist Chaser. *I was still processing a lot of stuff I'd learned about pickup artist tactics and pickup artist attitudes, and that's reflected in this piece. But there's a lot more to it, from working out some stuff about polyamory to my feelings about marriage. A lot of these thoughts are developed further in* Confessions.

* * *

Chemistry

It's a long story and a short one, but I guess all of them are.

I'm 27. It's about that age: A lot of my compatriots are getting married lately -- most monogamously, some to a primary polyamorous partner. I myself have a stack of relationships in my past. Some were monogamous, some polyamorous. Some have been on-and-off, some short-term, some long-term (5 or 6 years was the longest). Lately I've been processing some tough questions about polyamory, but I'd like to stick with it.

And I've been thinking a lot about what I want in a primary polyamorous partner. The kind of guy I could marry. I wonder if I'll ever get to that point. I wonder if I'd know him if I saw him.

* * *

I met Mr. Ambition at one of the aforementioned weddings. Several people recommended that I talk to him, and we liked each other right away. Mutual friends used words like "zealot" to describe him; let's just say he's got an intense history of dedicated activism. Charisma, integrity, and pure energy pour off him. His words are almost always articulate and challenging. He can socially dominate a room without thinking. He works a challenging job ten hours per day; exercises two hours; socializes several hours; sleeps and eats when he can. He gives hugs easily, laughs easily, hands out compliments like candy.

Mr. Ambition is most definitely not a neutral personality. Of course, neither am I.

At the time, I was just coming out of the worst stage of my research on pickup artists -- a subculture of men who trade tips on how to seduce women. Also, I'd just had one of those breakups where I was too busy feeling stupid to properly understand how hurt I was. (Don't you hate those?) You can read all about those Dramatic Events in my upcoming book *Confessions of a Pickup Artist Chaser*. In the meantime, suffice to say that I felt... flattened.

Arguably, I should have had a sign taped to my forehead that read: "Emotionally Unavailable."

I went to dinner with Mr. Ambition later that week. At the end of the meal, he sat back and looked at me. "You're so **authentic**," he said.

"I haven't felt very authentic lately," I said frankly, but his words felt good. Like a balm. Like I was healing.

* * *

We got along excellently, had a lot in common, etc. Typical this-relationship-starts-well stuff. One evening, after we'd been out to eat in a big philosophical group, Mr. Ambition noted the hotness of my intense theoretical bent. "When you were discussing social justice and ethics tonight," he said, "I wanted to reach across the table and grab you."

He mentioned marriage within weeks. "This has never happened before," he told me. "I've never dated someone I thought I could actually marry." *Whoa, tiger,* I thought, but I had to admit that he hit a lot of my Ideal Characteristics as well. Intelligence, drive, charisma, **and** morality: it's hard to argue with that.

Our sexual chemistry was okay, but not climb-the-walls stellar. *We'll develop that,* I told myself. *He's less sexually experienced than I am, and we'll learn each other just fine.* Fortunately he's got some experience with polyamory, but in terms of S&M, he's another of those vanilla-but-questioning guys (I never learn). When we did S&M, I had to monitor the situation extra carefully because it was so new to him.

And for all his intelligence, it was really hard to talk to him about emotions. It wasn't that he was cold or distant; on the contrary, he's one of the most fiery people I've ever met. But he had a lot of difficulty explaining what was going on in his head. Indeed, he told me that he had a lot of difficulty **knowing** what was going on in his head. He did things like laugh when a friend hurt his feelings, then deny that he was hurt, even though I could plainly see the stricken look behind his eyes.

I wasn't surprised that he was more physical than verbal about S&M. Very straightforward: throwing me around, pulling my head back, digging his hands into my skin. He's incredibly strong, and sometimes I called my safeword simply because his strength scared me.

There was one particular S&M encounter... early in the evening, I called my safeword because I wasn't sure he was into it.

"Red," I said, and he stopped. "Is this okay with you?" I asked, and he nodded.

"Yes," he said. "This is good. Let's keep going." His voice was low and slightly rough; a marvel of certainty. He put his hands back on me instantly. My doubts disappeared.

We kept going. I watched my body, felt the lump building in my throat, monitored my breath as it became harsh and fast.

"Red," I said, and he stopped. "You're going to break me," I said, "I'm going to cry. If you don't want to deal with that, then stop."

This, by the way, is a difficult skill that I have learned: this ability to track my S&M reactions so clearly. I would never have been able to do it seven years ago, and I still can't do it during complicated S&M encounters. But now I can do it during simple ones. (Yes, "simple" and "complicated" are in the eye of the beholder.)

I really hate stopping an S&M encounter right when I'm on the verge of tears. It's worse than an interrupted orgasm. But I'd rather do that than break down crying and **then** deal with a horrified partner.

"That's fine," said Mr. Ambition. So we kept going. I cried. He started talking, and I was

surprised by how harsh his words could be. *That's more like it,* I thought.

Some S&M encounters have a rhythm to them, a poetry: a beginning and an end that become clear to the participants as they go along. This one didn't -- at least not to me. So I didn't rely on him to bring it to a close. After a while, I safeworded out, and took a breath to still my tears.

Mr. Ambition was quiet again. I was having trouble reading him. There was some energy caught inside him, coiled like a dragon, but I couldn't tell if it was violence or something else. I put a halt to my own emotional cycle and tried to focus on him. "How are you feeling?" I asked, but he couldn't tell me. I asked a few more questions, and he just couldn't answer. He just didn't know.

I never got another word from him on how he felt about that encounter. I wondered if I was being too careful in how I asked about it; I wondered if he wanted me to push harder; I wondered if I'd already pushed him too far.

I suspected there were some dramatic feelings trapped in Mr. Ambition. But I wasn't sure I currently had the warmth to coax them out.

* * *

In the past, I've fallen in love so hard that I felt like the world was black-and-white when I was away from my lover; I felt like I only saw color when I was with him. I have dated men where the chemistry was so intense, so obvious, that it hung in the air between us like smoke. I've had sex that felt like telepathy. It's pretty awesome when it works. And it's easier to get that with some people than with others: some guys, I meet them and it's like we speak the same language already.

With some guys, it's not instant, but it also doesn't take long to build our mutual vocabulary.

And then I've dated guys where the learning curve -- both sexually and temperamentally -- was much longer. It was less instinctive. But it was not impossible. So I know for a fact that **people can build chemistry**. Sometimes it's just there, but sometimes you can create it.

My relationship with Mr. Ambition was definitely polyamorous, but a few weeks in, I decided I was really into him... and I started managing my incentives. There was another guy I saw occasionally, with whom I had stronger instinctive chemistry. This other guy agreed with me that we didn't want a Big Important Relationship. *This other guy will screw up my incentives if I hang out with him too much,* I thought, and I limited my time with him. I set rules with myself: I didn't call him, I didn't text him. I knew: *If I let myself get too intensely into this other guy, that could inhibit my ability to bond with Mr. Ambition.*

I told the other guy that once my relationship with Mr. Ambition was more stable, we might be able to pursue something more intense. By the time we had the conversation, he said he'd already been thinking similar thoughts. That he didn't want to distract me from something that could be beautiful.

Similarly, there are one or two men in my life that I'm attracted to but don't want a sexual connection with at all. So I try not to see them unless I feel inoculated: I don't hang out with them unless I'm sure I can distract myself with my feelings about another man.

A lot of polyamorists say that "love is infinite," that we can love lots of people, etc. I agree with this in theory -- but there's also a polyamorous saying that "While love may be infinite, time is not." And hormones aren't infinite, either. I've learned my hormonal reactions, I've seen myself get imprinted by people... I've seen myself develop feelings and fantasies for one guy that made me 100% immune to another hot guy's charms.

Do I have perfect self-control? Absolutely not. That's why I'm trying to influence my own choices so carefully. I know that choice plays a huge role when we build relationships. **Choosing to commit is arguably as big a relationship factor as instinctive chemistry.**

... Arguably.

* * *

When I first got to college many moons ago, my roommate came from a family of immigrants with a tradition of arranged marriages. She and I stayed up late one night, perched on our dorm room mattresses, and I listened in fascination while she told me that her father wanted her to marry a man of her father's choice, rather than her own.

"I'm not sure whether I'll do it," she said. I watched her wave a hand airily. I was mesmerized by her casual acceptance of a custom that struck me as barbaric. "I mean," she said, "I'm cool with this guy that my dad's found for me. But I don't know if we're **that** cool. On the other hand, I can't deny the advantages of arranged marriages."

"Advantages!" I cried. I was so young... (Okay, I'm still young.) "What do you mean, **advantages**?!"

"Arranged marriages are more stable," she said. "Much more stable. I'm not sure I'd ever want to marry for love. That shit goes up in smoke."

From what I understand, there have even been studies about this: that people in arranged marriages report being quite happy, quite stable.

I've gotten the it's-not-passion-that-makes-a-successful-marriage message before, of course -- often from super-white, super-American Americans. For example, there's that infamous 2008 article "Marry Him: The Case For Settling For Mr. Good Enough." The article is sure to send any woman roughly my age into a panic. It's made enough of an impression that I **still** have conversations about it with other women my age -- almost four years after its debut.

I don't like the Settling writer's attitude. She's written with horror and anger about S&M in other venues, for example; and the whole Settling article has a generally conservative bent. But she's articulating some real feelings and important thoughts, and while I don't agree with all of them, I do agree with some. At one point, analyzing television, she notes that:

While Rachel and her supposed soul mate, Ross, finally get together (for the umpteenth time) in the finale of Friends, *do we feel confident that she'll be happier with Ross than*

she would have been had she settled down with Barry, the orthodontist, 10 years earlier? She and Ross have passion but have never had long-term stability, and the fireworks she experiences with him but not with Barry might actually turn out to be a liability, given how many times their relationship has already gone up in flames. It's equally questionable whether Sex and the City's *Carrie Bradshaw, who cheated on her kindhearted and generous boyfriend, Aidan, only to end up with the more exciting but self-absorbed Mr. Big, will be better off in the framework of marriage and family. (Some time after the breakup, when Carrie ran into Aidan on the street, he was carrying his infant in a Baby Bjorn. Can anyone imagine Mr. Big walking around with a Bjorn?)*

I've never watched *Friends* or *Sex and the City,* but I know the feeling.

Personally, I'm more of a novel girl. The other day, I found myself thinking of my long-ago roommate and her thoughts on arranged marriage while I read Monica Ali's beautiful book *Brick Lane.* Monica Ali is an immigrant to the United Kingdom, and the characters in her novel all come to the UK from Bangladesh. Some of the characters accept traditional arranged marriages, while others make "love marriages" instead -- often defying their parents, their whole set of cultural norms, to do so. Towards the end of the novel, one man reflects on the early days of his marriage:

We thought that the love would never run out. It was like a magic rice sack that you could keep scooping into and never get to the bottom. It was a "love" marriage, you see. What I did not know -- I was a young man -- is that there are two kinds of love. The kind that starts off big and slowly wears away, that seems you can never use it up and then one day is finished. And the kind that you don't notice at first, but which adds a little bit to itself every day, like an oyster makes a pearl, grain by grain, a jewel from the sand.

As you can tell, this character is currently unhappy in his "love marriage." Of course, the grass is always greener on the other side. What's the difference between the big love and the pearl love? Can they even be compared? Is it like apples to oranges?

But couldn't all this be a false dichotomy? Who says it's about arrangement versus randomness -- chemistry versus choice? Can we have both? Can we find the big love, and nurture that so it develops into the pearl love, too?

My ultimate conclusion about the Art and Science of Flirting, from my "studies" of pickup artists and also my entire life, is that flirting is all about strategic ambiguity. Deliberate uncertainty. Manipulating ambiguity and uncertainty can contribute to many intense feelings.

Some people learn this, and decide that the only way to have a relationship with chemistry is to include a constant generous dollop of uncertainty about love, loyalty, or something equally important. These people decide chemistry can only derive from little pieces of confusion: tiny mismatches that lodge underneath the similarities that bring people together, constantly unsettling, like a prickly burr. But I don't think that's what I want.

And after all, S&M creates extraordinary feelings too, but plenty of people do S&M in very controlled circumstances: pre-discussed, with safewords and so on. Arguably, S&M is another form of mismatch, of contrast, of uncertainty -- but it's a form that can be

managed. So I know all about creating intense uncertain feelings in controlled circumstances, and using those to contribute to stable and reliable loving relationships. Don't I?

Eventually, my college roommate caused a gigantic blowup in her family by rejecting arranged marriage. Her father didn't speak to her for a long, long time.

* * *

On my birthday, Mr. Ambition took me out to dinner. Then we went to watch fireflies by the lake. As was inevitable for summer in Chicago, we ran into lots of people we knew. One of those groups contained an on-again-off-again partner of mine: Richard, with whom I have... shall we say, a complicated history. I respect Richard a lot, and I like him, and I'm highly attracted to him... but I'm pathologically wary of him for reasons that will become obvious.

We greeted our friends. "How are you doing?" Richard asked.

"Happy birthday to me, asshole," I teased. "How could you forget?"

Richard sighed. "Jeez," he said, "sorry I neglected to wish you a happy birthday within, like, the first 15 seconds I saw you."

I paused, and took a moment to recalibrate: he wasn't reacting in his usual adversarial, teasing-back manner. On the other hand, history has taught me not to fall for it when Richard seems unexpectedly vulnerable.

"I'm sorry," I said. I kept my tone light-hearted, friendly. "You know I love you, right?"

"Do I?" Richard asked.

I tilted my head at him. Without thinking, I kissed my own fingers, then put my hand gently against his face, as if I were about to stroke his cheek. Or slap him. I guess it was a way of distancing myself and kissing him at the same time. I think he understood that I intended it as an uncertain-but-intimate gesture. But I'm never sure, with Richard.

"Call me," I said.

"No," Richard said. "**You** call **me**."

Hours later, Mr. Ambition brought him up. We were having one of those sweet, intimate, disjointed bedtime conversations. Mr. Ambition was lying back, half-covered by a sheet, and I was admiring the play of light on his chest. "Richard really cares about you," he said.

I stiffened, and sat up. "Maybe," I said. "But I can't trust Richard."

"His tone seemed wistful, when he saw you."

"I can't trust Richard," I repeated. "It's always a game with him. Sometimes I think that we have a real emotional connection, but if I try to talk about it or give him emotional feedback, he just ignores me."

"Maybe he isn't really ignoring you," argued Mr. Ambition. "Maybe every time you say

something, or give a little, it makes a tiny bit of difference. Maybe you just have to stay open. Keep trying. These things build up."

"You don't understand," I snapped. "You don't know him! Maybe he really cares, but even if he does, it doesn't matter! Things always end up the same. If I mention emotions, or if I act warm to him, he'll ignore me for a while... and then he'll be cold to me again. I'm telling you, I've been here before, with Richard. It's a trap."

Mr. Ambition didn't waver. "If you're strong enough," he said simply, "then you can walk into a trap."

His words made my heart crack, my breath catch. Made me feel like I've forgotten everything I knew about love.

When I was younger, I thought of my emotional strength like water: an embrace that could make someone I loved feel lighter. Water is a slow, eroding force that pulls beauty from the unexpected. Water makes wood into twisted driftwood sculptures; sharp glass into opaque dim jewels; rocks into soft sand. Water will eventually reveal the heart of everything it touches. If you let it.

I hadn't thought of myself that way in a long time. I felt like Mr. Ambition was calling me out, reminding me of who I wanted to be. Maybe I protect myself better, these days. But vulnerability is not always a bad thing.

I definitely could fall in love with this man, I realized.

"You're really amazing," I said, and threw myself on his chest.

He put his arms around me. "So are you," he said.

* * *

As a storyteller, I often look back on my relationships and pick out foreshadowing: the omens. And by now, I recognize the omens even as they're happening... and sometimes I change my behavior, but usually I don't. Perhaps this state is what they call maturity.

One night while we were out, Mr. Ambition sighed in an offhand way. He seemed tired, out of sorts. "I just want someone to take me on an emotional journey," he remarked to me. Then he added, "... No offense."

I mentioned this to a friend, later: "Mr. Ambition says he wants me to take him on an emotional journey," I said.

"An 'emotional journey'? That shit gets old, though," said my friend. I laughed, and agreed with him.

Another night, Mr. Ambition mentioned something about enjoying drama. I was with my best girlfriend at the time; she and I looked at each other. "Careful what you wish for," I said.

My friend said, "Yeah, I'm pretty sure Clarisse knows how to create arbitrary amounts of drama at any time."

"But I'm pretty sure I don't want to," I said.

Later, when Mr. Ambition mentioned that he doesn't usually know how he's feeling, he added: "My friends can often tell more about my own emotions than I can."

"So you basically outsource your emotional processing to your friends?" I asked.

He agreed.

Perhaps the worst omen was when Mr. Ambition told me, "I've never been hurt by love."

"Never?" I asked.

"Never," he said.

His certainty was so great that, in itself, it made me uneasy. Because I have definitely been hurt by love. And my greatest wounds were dealt by men who seemed sure they loved me. A man who seems sure might actually be sure, but he may simply fail to understand himself.... So these days, it's always men who seem certain that make me most uncertain.

There's another great quotation from that Monica Ali novel, *Brick Lane.* Here it is: "The thing about getting older is you don't need everything to be possible anymore, you just need some things to be certain."

* * *

I often felt like I was watching the relationship from a distance. I tried to resist thinking of our relationship using cold, manipulative pickup artist terminology and tactics, but sometimes I couldn't stop myself. I'd rather not talk about that.

I found more and more ways to manage my incentives. I noticed that one of my methods was telling friends and parents that I liked Mr. Ambition a whole lot. I think it was even true.

Most of all, I told myself that the lack of natural chemistry was a good thing, and not a bad thing; the lack of natural chemistry was **why** this relationship could last.

I was quite calculating about it, really, and maybe that was why he broke up with me. On the bright side, I kept my head during the breakup, which was nice, because I didn't keep my head during my last breakup. With Mr. Ambition, I didn't feel like my self-control slipped at all.

"We need to talk," Mr. Ambition said without preamble, when I met him in the foyer of his apartment building. "I'm having some concerns about our relationship." Once we were in his apartment, he said, "To be honest, I don't know how attracted I am to you."

I tried to measure his mien. I got the feeling, again, that energy was coiled tightly inside him. Like a dragon. "Are you breaking up with me?" I asked.

"We're just having a conversation," he said quickly.

We talked about sex for a while. Chemistry. "I don't think I like S&M, to be honest," he said. "I don't feel affected by it."

I thought: *Are you sure?* and *You definitely looked affected by it,* but it's both unethical and unwise to question someone else's experience. So I just said, "You know I don't want you to do anything you don't want to do. Have you felt pressured by me?"

"No, of course not," he said.

We talked some more. He ultimately said, "Look, are you totally satisfied with the sex we're having?"

"I mean..." I said. "It's not the most intense sex I've ever had, but it'll keep getting better."

"I think we should just be friends," he said.

"... Okay," I said. "Um. Is there anything else you want to talk about?"

Mr. Ambition seemed agitated. He seemed barely able to hold still. "I've never dated anyone that I respected like I respect you," he said. "Your charisma, your intelligence, your morality. But... I don't know. I don't feel like we're very authentic with each other. I don't feel like there's much warmth between us."

Maybe you're right, I thought. *But either way, it's too late now.* "Okay," I said. I thought for a moment. "I'm sorry," I added. "I really wanted this to work out." For a moment, tears startled my eyes, but I blinked them back.

"Are you all right?" he asked. He leaned forward. "Is there anything I can do for you?"

I looked at him and tried to think. I knew I was going to be very upset in maybe fifteen minutes. He seemed hurt, and I wanted to say something that would comfort him. I wondered if he wanted me to cry, and beg, and create drama; I wouldn't do that... but maybe it would help if I asked for something simple.

But I couldn't come up with anything, and I wanted to leave. So after a pause, I said, "You can let me go home and cry."

I said it as gently as I could. But Mr. Ambition seemed terribly distressed. "Ohhh," he said, and screwed up his face. He leapt to his feet. "I'm sorry," he said.

"It's okay," I said. "Is there anything else?"

"Sometimes I think men just aren't capable of the kind of commitment women are," Mr. Ambition said. He sounded defensive, even though I hadn't made any accusations. "Then again, you're not like most women.... You're kind of a hardass. You probably have this problem with a lot of the men you date, where you come across as kind of a hardass.... And to be honest, I don't think men really want to date women as smart as they are."

Jesus, I thought, *you already broke up with me; can't you just let me go? Why do you have to rip into me like this?* I wondered how much of what he was saying was about me, and how much was him trying to make sense of his own feelings. But even though I felt sure that he was confused, his words sent an icy spike straight through me. *"I don't think men really want to date women as smart as they are...."*

"I've worked really hard to become less argumentative," I said. "You should have seen me when I was a teenager.... I don't know if I can tone myself down any more than I

already do." Even as I said it, I wondered why I was still talking to a guy who'd just said that *men don't want to date women as smart as they are.* I felt like a bad feminist.

"Oh, you shouldn't tone yourself down!" said Mr. Ambition. "It makes you attractive.... Attractive intellectually, I mean."

I sighed. "Yes," I said. "Intellectually."

"I'm sorry," he said again.

"I'm going home," I said.

"We're still friends, right?" he asked.

"Yes, but give me some time to get over this," I said. "Probably about a month."

"What do you mean?" He came after me as I walked to the door. "Like, you don't want to see me at all for a month? You don't want me to call you, or reach out to you, or **anything**?"

I looked at him, again, for a long moment. I regretted his stricken expression. Again, I spoke as gently as I could. "Maybe in a month."

He offered me a ride, which I declined. My fifteen-minute estimate was almost on target: twenty minutes later, I stepped into my bedroom, leaned back against my door and burst into tears.

* * *

I ran into Richard the next evening, and we spent the night together. Richard put a fair amount of effort into convincing me to talk to Mr. Ambition.

"It sounds like he didn't actually mean to break up with you," said Richard. "It sounds like the conversation got away from him. He didn't start that conversation intending to break up with you; maybe he was looking for reassurance, and you approached his questions too logically, and he concluded that you don't care. You really like him. It seems like it's worth trying to make it work."

You may have noticed that both of these men tried hard to convince me that the other man cared about me. I decline to analyze what that means about me and my current approach to relationships.

However, I will say that I tried giving Richard more emotional feedback than I have in a long time; I even told him I missed him the next time he went on vacation. And I did try talking to Mr. Ambition again, and he acknowledged that he hadn't exactly intended to break up with me.

But then Mr. Ambition and I had several of those encounters that I think of as "post-breakup talks." I hate that shit. Every evening ended on a confusing, inconclusive note. He kept saying that he was "confidently ambiguous." We weren't dating, we weren't not dating. It reminded me of a phase I went through with a college ex-boyfriend, back in my monogamous days: my ex and I spent several weeks post-breakup being "exclusive but not together." So preposterous. People are so broken.

Mr. Ambition himself has described uncertainty as an "emotional amplifier"... but sometimes it amplifies in the wrong direction. After a week or so, I got fed up and cut things off. He asked when we would talk again, and I told him I didn't want to talk for a while. A few days later, I broke my neck in a bicycle accident.

It's like a goddamn soap opera, isn't it? Sometimes I can't believe this stuff happens to me.

* * *

Mr. Ambition showed up in my hospital room while no one else was around. I was no longer afraid that I might die, but I was leaden with morphine, and anxious. I awaited the neurosurgeons who would come install a big scary spinal brace, and I felt grateful and glad to see Mr. Ambition. I hadn't been certain he would come, although if he'd had such an accident, I would have moved Heaven and earth to go see him.

"I came as soon as our friends told me," he said. "There are so many people who love you." He said my name, and spoke softly, and the words bruised my heart.

"Thank you," I said inadequately.

"I had to skip out on work to get here," he said, and sat next to my bed. "We're in the middle of important negotiations. A billion-dollar deal."

"I'm sorry," I said. "Maybe you shouldn't have come."

He laughed. "Don't you think you're worth a billion dollars?"

"Probably not," I said.

He took my hand. "Is there anything I can get you?" he asked.

I wasn't allowed to eat or drink before the surgery. "Tell me a story," I requested.

Mr. Ambition retold a story from Dostoevsky's *The Idiot.* It was about a big-hearted man who comes to a small community and befriends an outcast "fallen woman." The big-hearted man gains high status in the community, but when people find out that he's friends with the marginalized sex worker, they become angry. Despite their condemnation, the man stays steadfastly loyal to his friend, and by seeing the way he cares about her, eventually the community accepts her too.

It was exactly the kind of story I expected to hear from him. I thought of the moment, sitting in bed, where he'd said: "If you're strong enough, you can walk into a trap." The moment when I'd realized that I could fall in love with him.

After Mr. Ambition finished the story, the doctors arrived with the brace. This contraption involved using power tools to put four screws directly into my skull, which stabilize seven pounds of metal. For realz. I was awake while they did it, too. Luckily I got local anesthesia, so the screws didn't hurt while they were going in -- but I heard the bone crunching, and I felt the pressure building. Also, my neck hurt a lot. It was reasonably horrible.

Some of my friends said later that they arrived at the hospital and tried to get into my

room while the brace was being installed, and they couldn't get in, but they heard me screaming. I don't remember screaming, so I deny everything.

I tried to talk normally while it was happening. I felt like the whole affair was probably more taxing for the doctors than it was for me. I mean, at least I had morphine.

"I'm sorry," I said to one of the doctors. "People must say awful things to you while you're doing this procedure."

"One woman told me how much she hated me," the doctor said tranquilly.

I tried not to cry, but I cried. Like I said: soap opera territory.

Mr. Ambition never let go of my hand.

* * *

Mr. Ambition visited me in the hospital for hours every day. He brought me all kinds of awesome vegan smoothies. He met my parents, and got along well with them.

When she got a moment alone with me, my best girlfriend asked what was up with him. "You guys broke up, didn't you? What's next?"

"I'm not sure," I said. "We haven't talked about it."

When I was able to go home, Mr. Ambition helped move me in. My air conditioner had stopped working, which is not fun for August in Chicago, especially for a person wearing a fur-lined brace. He promised to lend me a fan.

I can't turn my head, so when Mr. Ambition arrived with the fan, I didn't realize it was him until he was standing right next to me. I was alone in my room, lying in bed, wearing only the brace and my underwear while I answered text messages. This was not as sexy as it sounds. Unless you're a medical device fetishist. In which case, I guess it was exactly as sexy as it sounds.

The fan was quickly installed next to my bed. I felt awkward because I was half-naked and wearing a complex brace. I felt awkward because I couldn't help with the fan. I also felt awkward because I was racking up unpayable debt to a man who was, to all appearances, my ex. I tried to cover my discomfort by answering some more texts; then I looked up at Mr. Ambition. I couldn't read his expression.

I felt oddly expressionless, myself. I felt wrung out. I couldn't think of any words I wanted to say.

Maybe that was our moment of truth: the moment had no chemistry at all.

I gave Mr. Ambition my hand. "Thank you so much for everything," I said.

"Of course," he said, squeezed my hand, and left.

* * *

After my accident, Richard sent me a quick email, then didn't contact me for over a month. I remembered what Mr. Ambition had said -- encouraging me to send more

emotional signals -- so tried inviting Richard for dinner, and he didn't answer my text messages. When I finally ran into Richard, I asked why he'd been ignoring me, and he laughed. "I knew you'd accuse me of ignoring you," he said. I felt like I'd walked into a trap.

I was hurt, obviously. I was surprised by how hurt I was. The problem with my youthful water metaphor is that water is basically invulnerable, but I am not... and when I was younger and more open, I had much more trouble setting important boundaries.

On the other hand, I had to admit that it was funny, too. I mean, it wasn't like I didn't see this coming. I mean, my coming-out story includes a portrait of Richard at his most difficult. One of the friends I share with Richard made a comment about leopards and spots. Maybe my life is a soap opera, but it could also be a sitcom with the most amazing characterization ever.

I enlisted a cold, brilliant, evil-hearted friend to help draft my final letter to Richard. The letter was very short. Arguably, it was brutal. It read:

Economists recognize that the most robust relationships are formed through a plethora of implicit agreements. Apparently, these agreements are not present, and probably won't be. Cheers.

Economics arguments in the comments are encouraged. More importantly, readers may feel free to steal that letter for use on whoever is trying to pull their chain.

* * *

I received a couple texts from Mr. Ambition, a few days after he gave me the fan. He said there had been a death in his family. "But I don't want to talk about that, actually," he wrote. "I just want to check in and see how you're doing."

I thought about how he laughed when he was hurt. I thought about how he'd once told me that he wanted drama. I thought about his confusing reactions to S&M. I thought about how he outsourced his emotional labor to his friends. I thought about all the emotion I'd felt in him, coiled and caught and turned in on itself like a caged dragon.

I wondered if he wanted me to push him to talk.

"I'm so sorry," I texted back. "But I understand if you don't want to talk about it. I'm doing fine."

He invited me to a social event a week later, but I declined. I didn't reach out to him for a while after that, and he didn't reach out to me. I heard later that Mr. Ambition asked one of my friends whether they thought he owed me anything.

My friend told him, quite accurately: "No, you don't owe her anything."

If anything, **I** owe **him**. I'm not sure what I owe him, but I'm sure I owe him **something**. A billion dollars? Vegan smoothies?

Chemistry?

* * *

This post can be found on the Internet at:

http://clarissethorn.com/blog/2011/09/30/storytime-chemistry/

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S&M:

[theory] Start From A Position of Strength

I wrote this post in 2011, and I wrote it carefully because I was worried that it might be interpreted as putting too much responsibility for BDSM on the submissive partner's shoulders. To be clear, I believe that both partners have responsibilities in a BDSM situation, but I also believe that the dominant partner especially ***must*** *be careful and responsive. I hope that this is a theme in all my work. I really don't ever want to encourage people to blame the victim. However, I think it's undeniable that submissive partners need a sense of themselves, as well as internal strength and resources, to do BDSM -- especially very intense BDSM. The goal of this post was to start figuring out what that means.*

* * *

A while back, I attended a workshop run by educator Sarah Sloane on the topic of BDSM and abuse. Sarah centered her workshop on a maxim that I have hereby stolen: "Start from a position of strength, and seek strength in the end."

I've been thinking about this a lot in terms of not just polyamory and BDSM, but sex in general. All types of sexuality are more pleasurable for some people, and less pleasurable for others; emotionally easier for some people, and more difficult for others. I have zero interest in telling other people how they "should" or "shouldn't" deal with their sexuality, as long as what they're doing is consensual. I want to say right now that nothing I'm about to write is intended to tell others how they "should" or "shouldn't" do S&M; it's just my own thoughts on how I might choose and process my experiences.

I can certainly consent to whatever, even if that thing is problematic or scary or difficult or complicated -- I can consent. The thing is, if I want to get something amazing and positive out of my experiences, I think it's good to start from a position of strength.

In some ways this is clear. For example, I think that being with a partner who genuinely wants me to have a good experience, who really cares about me, and who wants to see me again -- that's almost always a position of strength. Even if I have fairly intense, dark S&M encounters with that person, I can feel confident that he'll treat me with respect; that he'll give me space and lend me strength for emotional processing afterwards.

Also, knowing what I want is a position of strength; understanding how I feel is a position of strength. Being able to recognize my emotional difficulties, hiccups, triggers and landmines is a position of strength. Knowing for sure that I can call my safeword, if necessary, is a position of strength. On a physical level, I prefer to do S&M when my

body is in good shape -- when I'm well-rested and I've eaten healthy food. That, too, is a position of strength.

In some ways this can become murky. For example: I am rarely interested in one-night stands. There are a number of reasons for this, but one reason is that -- especially as a woman -- feeling like a "slut" can be scary, difficult cultural territory. And when I don't feel good about myself, my interest in one-night stands is even lower -- because I know that dealing with the difficult territory of "sluthood" will be harder with low self-esteem. If I'm feeling happy, strong, competent, valuable, and loved by the world... then one-night stands can easily be fun. If I doubt my worth, or if I doubt how much I deserve love... then one-night stands can be self-destructive.

The same goes for relationships with people who don't care about me. If I'm sure that a guy has no emotional interest in me, then having sex with that guy can be a dangerous emotional proposition for me, and one that I need to feel strong for. This doesn't always end up being true -- I've definitely had sexual encounters that left me emotionally unaffected -- but sometimes it's hard to predict whether I'll want more emotional investment from a given dude, so I try to keep it in mind for all encounters. (From a polyamorous perspective, I've noticed that less-emotional sex is often easier to handle when I'm already in a solid relationship with someone else.)

A couple I know in the local S&M community will sometimes have encounters that absolutely blow my mind, because they seem so difficult and so psychological. Here is an example: after the pair was married and child-free for many years, the wife realized that she might want children after all. This was a problem for her husband, who married her with the understanding that neither of them wanted kids. It became an ongoing discussion. Then the husband -- who is also the sadistic, dominant partner -- asked her if they could have an S&M encounter focused around the topic. She said it was okay.

So, as part of an S&M class that they taught together, the husband used her new feelings about children to rip into her: during the S&M encounter, he told her that she was probably too old to have children, that she'd waited too long. He added that she was too flighty for kids; that she'd be a bad mother. He added that he had always made it clear that he never wanted kids; that she was stupid for marrying someone who didn't want kids, and that this problem was her own fault.

I was not present during this class, but I heard about it from some attendees, and it sounds like it was really intense. He used a genuine and difficult sore spot to put his wife through a psychological S&M wringer, with her consent.

These days, I feel very tempted towards encounters like that: encounters that can tear me apart on a deep level, using important weaknesses and insecurities. I've also received email from other people who want to arrange encounters like that, and who ask my advice. An obvious problem is that such a relationship could easily slip into abusive territory.

So I've thought about this a lot, and here's my conclusion: those kind of intense psychological encounters obey the same maxim as other BDSM -- "Start from a position of strength, and seek strength in the end."

Thus, before having such an intense psychological encounter, I should feel that the encounter will ultimately -- through the pain and anxiety and tears -- make me feel more supported, more capable, more powerful in the world. One angle on this is to trust my partner a great deal, and be sure that he wants the best for me -- to be sure that in the end, he wants me to be as strong as I started... or stronger.

It's possible that I might not need so much support from my partner, if I get support elsewhere in my life: perhaps from friends, perhaps from a Kink Aware therapist, perhaps from a great job or a solid diet and exercise plan, perhaps even from another partner. (Of course, if I were planning to get extensive emotional processing support from other people, then I would seek their consent beforehand.)

Still, it seems like the easiest way to get support would be to get it from my partner, who would share more of the experience with me than anyone else. This would also build our intimacy, which is usually a major factor in having intense S&M encounters in the first place.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/07/20/slogan-start-from-a-position-of-strength/

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S&M:

[storytime] Predicament Bondage

I wrote this in early 2011. Amusingly, after I wrote it, one of the top Google queries that brings people to my blog became the phrase "predicament bondage." I think those folks are probably looking for porn, and I wonder if my article disappoints them.

* * *

Predicament Bondage

Some people are masochists (who enjoy pain) but not submissives (who enjoy, well, submitting). Some people are really into discipline (with lots of punishment) but not bondage (rope, cages, etc). Some people are sadists (who enjoy inflicting sensations) but not dominants (who enjoy being in control). Some people are switches, who find that they can switch between roles -- they can be dominant or submissive; sadistic or masochistic... I am an example of a definite switch.

Me, I get positively bored if someone takes a long time tying me up. For other people, 45 minutes of elaborate knotwork = really hot foreplay. I don't understand this, but that's cool; plenty of people don't understand my preferences and we all coexist quite happily anyway.

So yeah, "bondage" -- rope, cages, etc. -- is not so much my thing. But there's one phrase I absolutely love: "predicament bondage." Predicament bondage is usually presented in a very elaborate way: for example, a submissive might be tied up with ropes binding him such that his arms are in pain -- but if he moves his arms then his legs will be in pain. It's a predicament! And it's bondage! Whee! Predicament bondage!

However, it doesn't have to be elaborate to be predicament bondage. I'm not into rope obstacle courses, but I started loving the phrase "predicament bondage" after a friend went to a workshop run by Fetish Diva Midori and reported back. He said:

Midori had two pitchers of water, or maybe a pitcher and a glass. She told us, "This is the simplest form of predicament bondage," and she had the demo submissive hold his hands straight out at shoulder height. Then she placed the water in his hands. The submissive had to keep holding the water; if he failed, he knew he would be failing Midori. But there was never any threat of "Midori's wrath" if he failed her. In fact, she spoke as if she was on his side, part of his team. In many ways, her sympathy for his plight made it all the more cruel, because she was the one doing it to him.

She explained this. She knew that his sense of disappointment in "failing" her was worse than anything she could actually do to him.

So, the predicament in that case was the submissive's increasing arm agony vs. his fear of failing Midori. For me, that concept is infinitely hotter than a rope obstacle course. Although for me, in practice, I'd also want the pain to be a bit more... um... personal.

* * *

The first time someone flogged me, I had no idea what he was going to do beforehand; he and I had the strongest dominant/submissive dynamic I've ever felt, and I put myself in his hands with almost-total trust. A night came around when I felt that itch under my skin, the dark burn in the back of my mind... I knew I had to go see him. I wasn't hugely experienced, but I knew exactly what that slow burn meant.

It was late. He was in bed, and I lay down next to him. "I think..." I said slowly, "I want you to hurt me. A lot."

I felt him tense beside me.

"Why?" he asked.

I didn't look at him. "Why do you ask me questions when you already know the answer?"

"Sometimes I just want to hear you say it," he said, and stood up. "Take off your clothes and get on your knees."

I caught my breath; did as he said. When I felt the ends of the flogger trail lightly down my back, I wasn't even sure what the soft sensation meant, but I was already trembling anyway. I am surprised by my memory of how much it hurt when he hit me. These days, I don't think of floggers as especially painful, but then again, I seem to recall that he left more marks than I'm used to. (I loved taking off my shirt and examining the bruises in the mirror. I glowed for days, afterwards.) So maybe there was something particular about what he did, or about his materials. Or maybe it's just that it was my first time.

He created the predicament when I started to cry and flinch around. It was very simple. He leaned over me. "For the next three, keep your face down and your hands still," he said. "Promise me."

"I can't," I said. "I can't promise." I said it frantically. I was terrified of failing him. "I can't."

"You have to," he said gently. "So you will."

I cried harder. I sobbed so hard I couldn't speak. He stayed where he was, leaning over me, and kept a merciless silence. "I promise," I finally said, when I could shape words. My back was to him, I couldn't see his face, but I swear I felt him smile.

When he hit me again, I barely moved. After the count of three, he said he wanted to see how much longer I could go, but the answer was that I couldn't -- I started to flinch strongly again. Of course, he kept hitting me, if only for that. But at least I hadn't broken my promise. Hadn't failed him.

* * *

I've heard about a game in which the submissive partner stands next to a wall, and holds two coins against the wall -- one in each hand. The dominant then does, you know, some stuff. On the submissive's part, dropping the coins spells failure. This sounds pretty hot, and it's one way to make a concrete predicament. But during the above encounter -- my first time being flogged -- I assure you that it was plenty hot enough without any coins. With only my promise and my awareness to keep me in line.

Sometimes I can't obey the order, no matter how hard I try. My partner may order me not to move, for example, when I can't help moving. If I were in the above scenario, with the coins, I'm not confident that I wouldn't drop them. It's scary -- especially if I love him, because then all the emotions are multiplied. But even if I'm not in love -- as long as he's got me in the right mental space, then if I fail, I will say "I'm sorry" over and over. I'll be terrified of his anger; I'll feel like I deserve punishment, and if he doesn't keep hurting me I'll feel abandoned.

The more I fail, the more it hurts -- more than physical pain ever could. Slamming up against my own limits makes me feel terribly inadequate. It's hot, but it's dangerous; it can rip me apart. At times like that, I often need my partner to tell me after we're done: "I still like you and think you're a good person."

And sometimes I need to hear that especially if I safeword out of the encounter, because sometimes -- not always, but sometimes -- calling my safeword can feel like the worst failure of all.

* * *

When I trace some of the weirdest and most random situations that get me hot, I see that predicaments come up all the time. For example, I have a terrible tendency to try and make out with a partner right before we're expected to be somewhere. I might be totally cold 30 minutes before we have to leave, but 10 minutes before we have to leave, ding! It's like a switch flips. We've got to leave, but I grab him and now he's turned on, oh no!

And now we're late! Whee!

One of my exes pointed out my tendency to make out with him while his car was stopped at traffic lights that were about to turn green. "I know!" I said. "I don't really get why I do that, myself." He responded, "Predicament bondage!"

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Sometimes, when the pain is getting intense, I'll play a little game with my partners. (Kind of a game, except it's also serious, or it feels serious at the time; usually, when I start playing this game, I am not even close to coherent enough to ponder tactics; I'm running on instinct.) I think of this game as the "aren't you scared of the neighbors" game. In the "aren't you scared of the neighbors" game, I start making noise loud enough that I might catch outsiders' attention. Part of me is hoping that my partner is worried about the neighbors; that he'll relent, that I can use my tiny advantage to convince him to pull back. That I can play for a moment of relief, a smidgen of mercy.

Of course, if I'm lucky, my partners will then just order me to be quiet while they hurt me. Which creates a predicament! Because being quiet is actually not at all easy, and it gets more difficult the more it hurts.

And then there's the distraction game. I don't always do BDSM with partners I'm sexually attracted to; even with partners I'm sexually attracted to, I don't always feel sexual during our BDSM encounters. But when I feel very attracted during a BDSM encounter, oh, man. That's when I play the distraction game, which involves attempting to distract him by turning him on. Again, I'm not really coherent enough to be planning strategy at times like this; I'm more going on instinct; instinctively, it's like I'm trying to bargain. *Maybe if I can turn him on, he'll have sex with me instead of hurting me....*

If I'm lucky, he'll recognize what I'm doing; he'll be pleased, amused even, but he won't stop. One recent partner had me handcuffed to a car seat while he was hurting me. (Doing this in his car was not my idea, but at least we weren't moving. Nor were we paused at a traffic light.) I couldn't move too much, so I started licking his hand when he reached for me. Kissing his palm, his fingers -- he groaned, and then he laughed.

"You **are** a switch," he said, "trying to control me even now." And he didn't stop.

* * *

"No," I breathed, a few months ago, during an encounter with someone who's really good at this. "You don't get to say no," he replied, so I bit back the word. Had to fight against my own desperate instinct to say it, over and over.

Later, he murmured, "It's so cute how you act like you don't want this," as he leaned in to inflict dark bruises on my shoulder. His words almost brought me to tears. *But I **don't** want it. Do I? How can I want something that hurts like this? But I'm not stopping him -- did I really ask for this -- I must want it* -- Forcing me to face up to my own consent: a predicament?

I fought back when he hurt me, instinctively pushing him away. "Don't push me away," he instructed. "Put your arms around me," and I did. But we moved around, and moved

again, so I had my arms back -- and again, I couldn't seem to control my instinctive struggling.

And so he stopped for a moment, held my arms in place, and laid down the law. He knows I very much prefer some kinds of pain over other kinds of pain, so he told me this: "If you want the kind of pain you **like**, you have to let me in close." Layer upon layer: he's not just forcing me to take the pain; he's making me complicit. I think there were also practical considerations, in that it was actually difficult for him to control how he hurt me when I struggled a lot, but, still.... It was so hot it made me gasp.

I'm not sure, but I suspect that a few years ago, I might not have been able to handle that level of complicitness: forcing me to acknowledge what I like. Back then, I was too appalled by my own desires. Now, this level of complicitness adds another level of pain -- emotional pain; mild pain that I can cope with -- which is awesome. But although feeling complicit is a new tactic, it's part of an old game. It's merely another kind of predicament.

Fundamentally, what's hot about predicament bondage isn't the mechanics of what my partner says or does. It's not about the scenario or the equipment or the exact words. It's knowing that he won't stop hurting me, no matter how I fight or beg or scream. It's feeling that every moment, every action reinforces how much I'm in his power.

It's knowing there's no way out.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/01/07/storytime-predicament-bondage/

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RELATIONSHIPS:

[theory] Relationship Tools: Monogamy, Polyamory, Competition, and Jealousy

I wrote this in 2012, but it's the culmination of over a decade of thought. I came across my first polyamory books when I was very young, and I remember that even though I was inexperienced, I felt super frustrated by how most polyamorists discuss jealousy. They were incredibly un-empathic about it; the advice always seemed to boil down to "Get over it," with a dollop of "Stop being so selfish," and without any acknowledgment of how painful and difficult jealousy can be for the person who's feeling it. But at the same time, most monogamists aren't much better about this topic! Many monogamists approach jealousy as something that requires no examination at all.

In this essay, I'm trying to come to a better understanding of all these dynamics. I also seek to integrate them with BDSM theory, which I'm convinced has a much stronger

bearing on jealousy than most people will admit.

* * *

Relationship Tools: Monogamy, Polyamory, Competition, and Jealousy

Last year, I wrote a piece called "In Praise of Monogamy." I currently practice polyamory in my relationships, but I spent years dating monogamously. I've noticed that when people talk about monogamy, they usually either assume that it's the only way to go... or they assume that it has to be thrown out the window entirely. I think that this either-or approach is completely wrongheaded, so the goal of "In Praise of Monogamy" was to talk about the advantages of monogamy in a more neutral, nuanced way. Different relationship models are all tools in a toolbox, and some people are better with some tools than others.

"In Praise of Monogamy" was probably one of my most successful articles ever -- it was republished at a ton of websites, including high-profile venues like *The Guardian.* Simultaneously, the article got a lot of really mixed comments. Some people felt that I wasn't praising monogamy enough; others felt that I wasn't praising non-monogamy enough; there were lots of other frustrations too. My big takeaway was that these conversations don't happen enough, most people aren't used to having them, and it's really hard to know where it start.

Jealousy is one obvious starting point, because people always bring it up in conversations about non-monogamy. I talked a little bit about jealousy in "In Praise of Monogamy." If you've recently read that piece, then feel free to skip to the end of the following italicized excerpt:

Some people experience jealousy more than, or less than, or differently from other people. Plenty of people in non-monogamous relationships experience jealousy -- and plenty of non-monogamous people handle it just fine, through open-hearted communication.

But there are also plenty of people who appear to lack the "jealousy chip."

And then there are plenty of people who experience so much jealousy, who feel that jealousy is such a big part of their emotional makeup, that the best way to manage it is simply through monogamy.

Personally, I used to get a lot more jealous than I do now. I think I'm less likely to get jealous these days partly because I've gotten better at finding low-drama men. Jealousy has a reputation for being an irrational emotion, and sometimes it genuinely is an unreasonable, cruel power-grab. But I think jealousy is often quite rational, and often arises in response to a genuine emotional threat... or deliberate manipulation.

There's another reason, though... I've also noticed that some switch in my brain has flipped, and I've started to ***eroticize*** *jealousy. I occasionally find myself fantasizing about men I care about sleeping with other women, and sometimes the fantasy is hot* ***because*** *I feel mildly jealous. I cannot explain how this happened. It surprised me the first time it happened, believe me. What's really fascinating is that I think* ***the same part*** *of me that eroticizes jealousy, is the part that used to make me feel sick at the thought of my partner*

sleeping with someone else. S&M masochism: the gift that never stops giving!

I think it's important to note here that I didn't become less jealous because I felt like I "should," or because I was told not to be jealous. In fact, I had an early boyfriend who acted like I was a hysterical bitch every time I got jealous... and he made things much worse. With him, I just felt awful when I got jealous; I couldn't get past it. I felt like he was judging me for something I couldn't help; I felt like my mind was fragmenting as I tried to force myself to "think better" without any outside support; and worst of all, I felt like I couldn't rely on him to respect my feelings.

It was the men who treated my emotions like they were reasonable and understandable who decreased my jealousy. It's much harder to be jealous when your partner is saying, "I totally understand," than it is when your partner is saying, "What the hell is the matter with you?" Maybe that's what makes monogamy such an effective jealousy-management tactic: monogamy can be like a great big sign or sticker or button you can give to your partner that says, "I respect your jealousy." Which is not to say that monogamy is always effective for this -- we all know that monogamous people get jealous all the time! (Which only adds to my point that monogamy might be viewed as just one of many tactics, rather than an answer, when jealousy is a problem.)

Now, back to the current article. Jealousy is an incredibly hot-button topic, so I'm nervous about this, but let's focus in on it a little more.

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The Feeling of Jealousy

Jealousy and its cousin, competition, are both things that happen a lot in relationships. Some people are so uncomfortable acknowledging this that they repress those feelings, or ignore the behavior that goes along with them... but I've rarely seen that end well. I believe that some people lack jealousy and competitive urges, but I've also seen a lot of people who feel those things but can't admit it. Not even to themselves.

I dated a guy last year who told me at the start of our relationship that he never got jealous. At first I took him at his word, but I quickly noticed that he changed the subject aggressively when I mentioned past lovers. We had a mutual friend with whom I had a lot of chemistry; when the three of us were together, my boyfriend acted uncomfortable and irritable, and when I specifically acted in ways that made it obvious I was with him -- like by giving him Public Displays of Affection in front of the other guy -- he relaxed.

I sighed internally when I observed this, and I felt frustrated, but wasn't sure how to talk about it without sounding like I was calling him a liar. Fortunately, he brought it up later. "I think I do get jealous sometimes, and I just don't like to think about it because it makes me feel like a bad person," he said, one night while we were making dinner. In that moment, my respect for him skyrocketed. It's hard for people to keep track of themselves like that, and to shift their self-image when confronted with new evidence.

Some people seem to interpret their lovers' jealousy as a sign of love. Hey, I'll admit that I've had moments of being flattered or pleased when my boyfriends show signs of jealousy -- or when they act a little competitive. Sometimes those things are scary,

though... or threatening... or frustrating, like in my example above. It's complicated!

However, I often see those dynamics play out in ways that the participants won't admit, no matter how much evidence comes up. I think it gets especially complicated when people experience jealousy as a sexual thing, a turn-on. Most people have a hard enough time discussing their sexuality in the first place. When you add an ingredient as controversial as jealousy, the potential discussions become that much more combustible.

When I was researching pickup artists for my awesome book *Confessions of a Pickup Artist Chaser,* I found a number of discussions in that community that praise competitive feelings because they're seen as making the relationship more fun. A lot of these guys say competition among different lovers within open relationships is awesome because it keeps everyone a little uncertain, and encourages them to be "on top of their game." This contrasts drastically with most polyamorous perspectives; in my experience, poly folks see jealousy and competition as things that should be compartmentalized and managed very carefully, rather than encouraged or exalted. For polyamory theorists, a feeling of safety is often the goal, as opposed to a feeling of competition.

And emotional safety is certainly a concern, because jealousy is one of the most intense and overwhelming emotions out there. It's such a hard feeling to sit with and work through. My worst experiences of jealousy felt like I was choking, like I couldn't breathe, like I was sick to my stomach, like I was terribly obsessed, like I couldn't think of anything but the jealousy and how much it hurt. And yet... I've occasionally felt jealousy that was weak, almost nice, where I felt a little twinge of it and turned to my lover and got reassured... and that made me feel more safe, more cared for, more loved.

The bottom line is that people experience jealousy and competitive urges in many different ways. It's important to acknowledge that and honor it. I don't see it as productive to frame things like "jealousy is bad," or "competition is awesome." **I'd much rather frame things like: "Jealousy and competition happen sometimes, and how do we deal with them when they come up so that everyone involved feels comfortable and happy?"**

* * *

The Toolkit

I firmly believe that **the primary tools for dealing with jealousy and competitive urges are honesty, good faith and respect**. If you're feeling jealous, then take a deep breath. (I'm pretty sure that most relationship drama could be avoided if more people took deep breaths.) Hopefully, you're dating someone who you like and trust (if you're not, what's the point?). Remind yourself that this person, who you like and trust, probably is operating in good faith and isn't trying to hurt you. Respect that this person has their own desires, which won't always overlap perfectly with your own. Don't assume that your partner is obliged to do everything you want -- but do be honest about what's hurting you, so you can work it out together.

And, in turn: if your partner is jealous, respect that emotion. Remind yourself that this person, who you like and trust, probably is operating in good faith and isn't trying to control you. Be honest about how your partner's jealousy makes you feel, and think about

ways to reassure your partner while protecting your own needs and boundaries.

The **most stable** relationship formation for dealing with jealousy and competitive urges appears to be monogamy. To be sure, I think people have plenty of other reasons for choosing monogamy. But the relationship tool that seems to work most thoroughly, and most often, and for the most people, is simply... being monogamous.

There are many ways of approaching non-monogamy, but the one I'm most familiar with is polyamory. A lot of polyamorists, though not all, organize their relationships into hierarchies: they have one or more "primary relationships," and then "secondary relationships" and other relationships that don't make it to secondary level. Sometimes a primary partner will have "veto power" -- i.e., if one partner wants to get a new partner, then the primary partner can explicitly block that partner. This seems to help control a lot of jealousy and competitive behavior.

Some poly folks say that they see hierarchies and veto power as "blunt instruments," and that they prefer to negotiate every interaction case-by-case. This sounds fine to me as long as it works for them, of course. But I would offer this: I think that blunt instruments are sometimes the most useful tool for a given project. And in fact, blunt instruments are **more often** useful than finer-tuned instruments. The whole idea of finer-tuned instruments is that they're useful for precise circumstances... but they're also harder to use, and more fragile. Some people don't have the time or inclination to create a whole new toolkit for every individual relationship. Some people will settle for a slightly less precise, perfect relationship in exchange for a more stable one. Sometimes it's simply easier to use a blunter, but more universally effective tool.

I will also add that I have seen **plenty** of polyamorous relationships in which there were **unspoken** hierarchies, and **unspoken** veto power. This resulted in maneuvering that struck me as both underhanded and unnecessary. I've always felt that it would be better for everyone involved if those dynamics were put out on the surface.

Finally, for people who like jealousy and competition.... If S&M has taught me anything, it's that it's quite possible to play with pain and power **within a safe, loving framework**. The key is to compartmentalize the whole process and discuss it openly. If people are into competitive relationships, then okay. If people like jealousy, then okay. But in that case, they really ought to look for partners who share those tastes, and to find ways that they can deal with them openly and honestly.

In S&M, there's a huge emphasis on careful communication tactics -- safewords are the most famous example, but there are plenty of others. There's also a huge emphasis on talking about the S&M encounter and processing it together afterwards; we call this aftercare. If jealousy and competitiveness can be understood as consensual games of pain and power, then I think people who want to play those games would do well to learn about S&M communication tactics. If you're going to have fun making your partner feel an emotion as intense as jealousy, then you might consider giving your partner a safeword.

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2012/05/01/relationship-tools-monogamy-polyamory-competition-and-jealousy/

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EVOLUTION:

[storytime] You Don't Always Know What You're Thinking

I wrote this in late 2010. I have mixed feelings about it now. I think I made important points, but I will also say this: if you don't have a clue what's going on in your head and don't even know where to start, then that can be a bad sign. I think that when people are unhappy, or dealing with situations that are more than they can handle, they often settle into a kind of mental "fog" so they don't have to think about it. (The feminist writer Autumn Whitefield-Madrano has a great article describing how this happens in abusive relationships; she calls it "the fog of abuse.")

Yet at the same time, I do believe that we should consciously make space in ourselves for new feelings to emerge, especially when we're pushing our limits. Self-awareness must include allowing new feelings to emerge at their own pace.

* * *

You Don't Always Know What You're Thinking

In May 2010, I wrote a post called "Am I Evolving Away From Monogamy?" in which I talked about my urge towards polyamory, and my confusion about that urge. I talked about my previous dislike for polyamory, and I talked about how new it is for me to feel like I want to be polyamorous. I talked quite a lot, really, but a week later, I started feeling like I hadn't covered everything... or like I just wasn't correct about some things I'd written.

But how could I be incorrect? I was, after all, writing about **myself** and **my own feeings**. How could I be wrong about what I myself was thinking?

I guess I realized quickly that I'd claimed things about my past self that weren't quite true. That didn't acknowledge my own complexity. For example, I wrote that although I've toyed with polyamory in the past, my most recent poly leanings came up only because I got my heart broken by a gentleman who I sometimes refer to as Mr. Inferno. I theorized that perhaps I'm just scared of commitment. While it is certainly true that I'm not big on commitment these days, I later recalled that actually -- at the beginning of my relationship with Mr. Inferno, I had some doubts about being monogamous. I was monogamous because he was very sure that was what he wanted, but I remember a point when I thought about trying to negotiate something different.

Polyamorous people are stereotyped as being commitment-phobic. I know all about that stereotype -- in fact, I have angrily defended my poly friends from it for years! (Even when I was very fiercely monogamous, I got so mad when people who don't know

anything about polyamory said ignorant things about my poly friends!) Yet I have to watch out for that stereotype's influence on me anyway. When I forgot that I'd considered polyamory with Mr. Inferno, was I being influenced by that stereotype? Or was I just missing Mr. Inferno a lot that day, and wishing I could talk to him, and maybe therefore remembering him as more influential in my life than he actually was? Or... what?

I'm visiting my father right now; we went out to dinner the other night and talked about relationships. I'm quite open about my parents about almost everything -- we don't talk explicitly about our sex lives, but we do have detailed conversations about stuff like polyamory. My dad is not at all attracted to polyamory, and we used to commiserate and theorize about how we just didn't understand polyamory.

Now that I've decided to pursue poly, my dad is puzzled. "I know this is weird," I said to him during dinner, "because we used to be on the exact same wavelength about this," and he nodded. He asks questions, he tries to figure out where I'm coming from -- and they're all questions that I have decent theoretical answers for. Answers include: "Well, of course it's possible to love more than one person at a time. Mothers can love multiple children, kids can love multiple parents, friends can love each other, so why wouldn't it be possible for people to have sexual and emotional relationships with multiple people?" Or: "Jealousy can be managed just fine, as long as partners are communicating well and genuinely care about each others' feelings."

In fact, some of my answers are the **same** theoretical answers that he and I discussed back when we were both steadfastly monogamous. Except this time, I'm giving him those answers from the other side; and yet he can't relate any better to them, this time around.

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I have always spent a very **large** amount of time obsessively analyzing my own emotions, and often writing about them. This has been true since childhood. However, one analytical skill I can always improve is this: knowing when to say, "I'm not sure how I feel about that."

Another important skill is staying on top of the stories I tell about myself, the ideas and memes and images and narratives that I'm trying to match myself to. It seems impossible to track all the influences on my psyche, all the different social and cultural and even biological forces. Where am I under all the programming? It's worth trying to figure it out (even if I'll never know for sure).

I don't always know what I'm thinking. I don't believe that anyone always knows what they're thinking. It's important to acknowledge this, because when people don't acknowledge it, they often simply decide to be something that doesn't quite match up with what they want. Sometimes this works fine -- if the pattern a person chooses to impose on her self can function, then who cares if it's a perfect match? (I mean, arguably, people are always imposing unmatched patterns on our thoughts and selves.) But although this sometimes works fine, there are plenty of times when it doesn't work fine. Or really at all.

I have a section in my sexual communication workshop for maxims -- little slogan-like things. I recently added a new one that I really like: "You don't always know what you're

thinking."

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I've been practicing BDSM for a while, now, and it has been amazing. I've had a lot of very intense sexual experiences and I feel incredibly confident about my sexuality. I feel very far away from my younger self, who realized that she was into BDSM and completely freaked out. However, I used to keep a very detailed (albeit sporadic) personal journal, and this allows me to look into the head of 20-year-old Clarisse. Here's something I wrote only a couple of weeks after I met Richard, my first serious BDSM partner:

On the surface I have a hard time understanding why this has shocked me so much -- the fact that I wanted him to hurt me, the fact that even as I was facing down my demons and crying and incoherent I wanted him to keep biting me, scratching me, bruising me, and God, it was bad, but even now I wish it had been far worse... on some level I want to have been physically scarred. He stopped finally because I started saying "no," and couldn't formulate a coherent answer through my tears when he asked me if I was serious. But, of course, although I was serious, I also didn't want him to stop. Of course. Of course I wanted him to hear me saying no and keep going, to be protesting and overridden. And the reason I couldn't formulate a coherent answer wasn't even that I didn't know the answer was, "Yes, keep going." It was that I knew the answer was yes, and when I faced it I started crying so hard I couldn't speak, and he... sensitively, I guess... decided it was time to stop.

How cliche I am. (God, I'm sounding like some naive ingenue from a random de Sade play or something, just discovering my sexuality or whatever.) How self-conscious. And how humiliated and ashamed. Of all the things I think I expected from myself for this, if it ever came true that this was what I wanted -- I never really actually expected to be ashamed.

What I think is especially interesting about those paragraphs is that I felt a certain recognition for my BDSM identity, I felt a certain inevitability about learning what I needed. It made sense to me. "Of course," I wrote, over and over. And at the same time I acknowledged that I had considered BDSM before -- but that I hadn't really known what that meant, and I'd had no idea how I would feel if I found it. I knew what I was thinking, I knew what I had been thinking, and yet at the same time I didn't know. I had no idea. I was completely confused.

I'm not so confused anymore. These days.... There are a lot of things I don't know, but there are an awful lot of things I do know, too. I have gotten pretty good at knowing what I want, even when it's hard to figure it out. And I have a very good sense of my boundaries.

But I also keep trying to figure out how to expand them. This isn't just true with BDSM. Arguably, my urge to go to Africa and put myself through extreme culture shock was similar to the urge I feel to expand my head with BDSM. Some of the things I want to do with my life and my body and my self seem almost opaque; totally irrational; a little scary -- even to me. I love experiencing and analyzing emotions; experiencing and

analyzing personal connections -- I want to do more of that, even when there are emotional risks. *What's **past** that emotion? What's under my heart? How much can I feel for another person, and in what ways can I manage that? Which part of my mind will catch me if I end up going over the edge? Will anything?*

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And so, even though I have a good sense of my boundaries, I also occasionally have the sense that anything could happen.

This is not always dramatic. Sometimes it is quite tame, like with my current polyamorous leanings. When I was at dinner with my father, he gently expressed concern about how being polyamorous might affect me emotionally. He wasn't trying to tell me what to do -- just that he's having trouble understanding where I'm at. "For me," he said, "sexual relationships encourage emotional attachment," and talked about how he bonds with one person at a time. He added, "I simply find that if my relationship is truly satisfying, I don't want more than one; I can't convince myself to be interested in more than one partner."

I used to feel the same way. Dad knows it, and I know it; we've said these things before. It's not like I don't understand how he feels -- I totally do.

And there's no guarantee that, over the course of experimenting with polyamory, I won't bond with a partner in a way that feels monogamous -- and then get hurt if they won't be monogamous with me. I'm not convinced that I'll feel completely secure as I continue to pursue polyamory. Recently I had one difficult morning that featured two simultaneous breakups, and that was a bit much to deal with! In short, I'm not certain that polyamory is my ideal. But I'm also no longer certain that it's not. And I'm really enjoying trying it out.

Here's the thing: I'm not sure what I'm thinking... **but that's okay**. I know I could end up getting hurt... **and that's okay**. I could get my heart broken: that's what you risk when you experiment with the alchemy of your own emotions, your hormones, your body, your self. But I'm watching myself and being careful and communicating as clearly as I possibly can, and it seems to be going fine. And if poly really doesn't work out for me, I can go back to monogamy.

And hey, at least if I do get my heart broken, it's something else to analyze obsessively and then write about! That's something to look forward to.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2010/12/13/slogan-you-dont-always-know-what-youre-thinking/

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ABUSE:

[theory] Thinking More Clearly About BDSM versus Abuse

I wrote this post in 2011. As I noted in the intro to "The Alt Sex Anti-Abuse Dream Team," other BDSMers have been writing about this more and more, and the discussion is really heating up right now, in 2012. Thomas MacAulay Millar has a particularly good series of posts on the topic, starting with: http://yesmeansyesblog.wordpress.com/2012/03/23/theres-a-war-on-part-1-troubles-been-brewing/

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Thinking More Clearly About BDSM versus Abuse

Years ago, when I first started thinking about BDSM and abuse, I -- like a lot of feminist BDSMers -- was defensive.

We get scared of the accusation that "BDSM is always abuse"... and we're accustomed to accusations from certain feminists such as "those of you who pretend to like BDSM just have Patriarchy Stockholm Syndrome and don't know what you really want"... and often, we're also fighting our own inner BDSM stigma demons. We get angry that our sexual needs are seen as politically problematic, or unimportant.

And so, for a lot of people, our instinctive angle on abuse in the BDSM community is: "Shut up! That's not what's going on!" And that's a problem.

Obviously, I don't think BDSM is inherently abusive! Exploring my personal BDSM desires has given me some extraordinary, consensual, transcendent experiences and connections. I also genuinely believe that BDSM has the potential to control, subvert, and manage power. **BDSM can be a place where people learn to understand bad power dynamics in past relationships; it can be a place where people learn to manage or destroy bad power dynamics in their current relationships; it can be a place where people find glory, self-knowledge and freedom by manipulating their own reactions and responses to power.** The sex theorist Pepper Mint has a great, complicated essay about this called "Towards a General Theory of BDSM and Power". And here's one of my favorite quotations on the matter, from a submissive and former blogger who went by violetwhite:

It's ironic that the most perverse manipulations of power in my life occurred in a past vanilla relationship, where I tolerated tyranny because the normative structure of our relationship obscured the fact that that is what it was.

Still, I've seen things happen in the BDSM community that turned my stomach. Terrible manipulative behavior exhibited by people who have the greatest reputations. Blaming the victim when they try to speak up. Telling "rumor mongers" to shut up when people are trying to talk openly about problematic community members. The BDSM subculture has its own version of rape culture, where "lying bitch" and "drama queen" and "miscommunication" are used against abuse survivors. Miscommunications do happen... but not everything that could be a miscommunication is actually a miscommunication.

Oh yes, rape culture can happen in BDSM just the same way it happens in the "vanilla" mainstream. And there are certainly people in my local community who I would never get involved with, because I do not trust them.

Being defensive about BDSM and abuse won't help; yes, BDSM is stigmatized and stereotyped, but the abuse is still a problem. So after I started blogging, I tried to move past my defensiveness and write more concretely -- to write about what exactly the BDSM community does to work against abuse. One of my first posts on BDSM and abuse was called "Evidence That The BDSM Community Does Not Enable Abuse." It highlighted anti-abuse initiatives within the BDSM community. As I learned more about BDSM and abuse, and my perspective got more nuanced, I wrote a more expansive post called "The Alt Sex Anti-Abuse Dream Team." It covered all the information I'd given in the earlier post, and also talked about how I personally would structure an anti-abuse initiative with alt-sex people in mind.

Looking back now, those posts still strike me as defensive. I was making good points, but I also think that I didn't fully understand where some feminists are coming from when they react negatively to BDSM. This past year, I've learned a lot more about abusive gender-based violence, power, and control. And I've concluded that while BDSM is obviously not equivalent to abuse, we need better theory to describe the difference between BDSM and abuse, and we should try to avoid defensiveness while articulating that theory.

I've written before that one thing I think people can do is try to "start from a position of strength, and seek strength afterwards." The overall point of that maxim is that any given BDSM activity can eventually make all parties feel more supported, more capable, more powerful in the world. That's my ideal end goal; that is what I personally would aim for with my BDSM practice. **Perhaps I might do an intense BDSM scene that makes me feel terrible in the moment -- or for a lot of moments... but I want to be sure it will make me more supported, more capable, more powerful later.**

That's an awfully vague maxim, though, and one that can be different for every person. I may have found a more concrete focus in a 1984 anti-abuse concept -- the Power & Control Wheel:

In 1984, staff at the Domestic Abuse Intervention Project (DAIP) began developing curricula for groups for men who batter and victims of domestic violence. We wanted a way to describe battering for victims, offenders, practitioners in the criminal justice system and the general public. Over several months, we convened focus groups of women who had been battered. We listened to heart-wrenching stories of violence, terror and survival. After listening to these stories and asking questions, we documented the most common abusive behaviors or tactics that were used against these women. The tactics chosen for the wheel were those that were most universally experienced by battered women.

In a BDSM context, a lot of the behaviors listed on the Power & Control Wheel could be part of a consensual encounter -- violence, headgames, name-calling, all kinds of things can be BDSM. But this part, this is important:

MINIMIZING, DENYING AND BLAMING:

** Making light of the abuse and not taking her concerns about it seriously.*

** Saying the abuse didn't happen.*

** Shifting responsibility for abusive behavior.*

** Saying she caused it.*

(The original wheel uses gendered language, but I'd like to note that although abuse is most often perpetrated by men against women, abuse can happen in any kind of relationship and to people of any gender.)

In the brilliant documentary *Graphic Sexual Horror,* which profiles a now-defunct BDSM porn site, there's footage of a scene with a porn model named S4. The dominant partner slaps S4 across the face, and S4 reacts angrily. She says something like, "We didn't talk about that in advance!" The dominant doesn't apologize; he doesn't take her seriously, and he doesn't talk to her carefully or work to calm her down. Instead, the dominant partner snaps: "We can't talk about everything in advance," and aggressively demands to know whether she's ready to continue. This is an example of minimizing, denying, and blaming.

I have some sympathy for his awkward position -- I've made small mistakes as a dominant partner, too, and he's correct that it's impossible to talk about everything in advance. But **the way to deal with those mistakes is by apologizing sincerely and making sure the mistake never happens again**. For example, one of my exes really hated being bitten on the lips, and at one point I bit him on the lower lip. And he called me out, and I said, "I'm sorry," and I put my arms around him to offer comfort; I said, "I won't do it again," and I didn't.

My experience of BDSM relationships is that it's best for there to be both communication ahead of time -- and lots of discussion and processing afterwards. Both partners get to set "hard limits": things they absolutely don't want to do. If one partner has concerns, those concerns get airtime. Both partners acknowledge a role in the proceedings, and blame isn't spread around; even if something goes wrong, the discussion focuses on how to prevent that from happening again rather than making accusations.

And if BDSM is happening, it must be possible to acknowledge it, even if it's subtle. For example, I ran into a partner on the street the other day; he gave me a hug and held me in place for a while, even though I tried to move away. This, my friends, is subtle BDSM. Which was fine with me! But it was only okay because I knew I could call him out on it later and be sure it was acknowledged!

And I did mention it later, and he did acknowledge it, and we both laughed and said it was hot. And if I had told him not to do it, that would have been okay too. And **the fact that I knew I could talk about it, that I knew I could tell him not to do it and he'd listen... meant that I also could have declined to mention it, and I would have felt fine**.

Something else worth acknowledging here is time boundaries. If a person is indeed

calling names, controlling what the other person does, etc, then it's often useful for it to be communicated -- and also time-bounded. For example: "You can only call me pathetic during this sexual encounter. Otherwise, please don't."

There are BDSM couples that get rid of time boundaries, and have ongoing BDSM relationship situations; there are also BDSM couples that don't use safewords. I think those relationships require a lot of understanding and care from all parties involved. I've never gone without safewords, but sometimes I go without time-bounding, and when I do, I make very sure that I can trust my partner and communicate well with him. (Thomas MacAulay Millar calls safeword-free BDSM "the advanced class.")

The same group that made the Power & Control Wheel has another useful wheel -- the Equality Wheel. Here's the text of the wheel:

ECONOMIC PARTNERSHIP:

** Making money decisions together.*

** Making sure both partners benefit from financial arrangements.*

NEGOTIATION AND FAIRNESS:

** Seeking mutually satisfying resolutions to conflict.*

** Accepting changes.*

** Being willing to compromise.*

NON-THREATENING BEHAVIOR:

** Talking and acting so that she feels safe and comfortable expressing herself and doing things.*

RESPECT:

** Listening to her non-judgmentally.*

** Being emotionally affirming and understanding.*

** Valuing her opinions.*

SHARED RESPONSIBILITY:

** Mutually agreeing on a fair distribution of work.*

** Making family decisions together.*

RESPONSIBLE PARENTING:

** Sharing parental responsibilities.*

** Being a positive, nonviolent role model for the children.*

HONESTY AND ACCOUNTABILITY:

** Accepting responsibility for self.*

** Acknowledging past use of violence.*

** Admitting being wrong.*

** Communicating openly and truthfully.*

TRUST AND SUPPORT:

** Supporting her goals in life.*

** Respecting her right to her own feelings, friends, activities, and opinions.*

All these things ought to be present in a BDSM relationship! Some people do heavy role-play situations where they have specific personas that they don't want to break out of... and they still can make sure that all those elements are included. For example, they can keep simultaneous journals about the relationship, and thereby keep up with each others' feelings and consent without breaking out of their roles.

I also think that the list is especially useful in that **it highlights places where non-consensual control is likely to happen... and therefore, places where BDSMers should be especially careful**. For example, failing to support a partner's life goals would be okay in the middle of an intense BDSM encounter. But afterwards, it might be good to give extra support, just because that can be such an important genuine danger spot.

Just like vanilla people, BDSMers have a lot of unspoken elements of our relationships. For example -- the partner I mentioned earlier, who held me in place when I gave him a hug on the street. We didn't negotiate that particular act ahead of time. But we have an established relationship, and we've done similar things before; I knew that if I wanted to talk about it -- or ask him not to do it -- then he'd listen. And, even more importantly, the rest of our relationship lines up with the Equality Wheel.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/08/02/thinking-more-clearly-about-bdsm-versus-abuse/

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COMMUNICATION:

[theory] What Happens After An S&M Encounter "Gone Wrong"

I wrote this in late 2011. At the time, I didn't mention another factor that makes it important to talk about S&M screwups: we should do it because talking openly about honest mistakes makes it harder for actual abusers to hide in the S&M community. As I note at the end of this piece, sometimes a miscommunication is a real miscommunication, but sometimes it's a "miscommunication" that's covering for abuse. The only way we can

learn to distinguish the two is to talk openly about our screwups. It's an intimidating proposition; for one thing, many outsiders leap to label BDSM as "all abuse, all the time," and none of us wants to give those folks anything that they could use for ammunition. But we have to start talking about this stuff more openly, because the alternative is creating a community where it's much easier to get away with abuse.

In Thomas MacAulay Millar's epic series on abuse in the BDSM community, he's got a whole post dedicated to the various types of miscommunications and mythcommunications that can occur: http://yesmeansyesblog.wordpress.com/2012/04/30/theres-a-war-on-part-5-wallowing-in-the-sl-op/

Otherwise, I hope that this piece is a fairly complete treatment of this incredibly difficult topic.

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What Happens After An S&M Encounter "Gone Wrong"

I've often thought that BDSMers should talk more about our "failed encounters." Sometimes the best way to learn is through "failure," or by looking at others' "failures." But when a BDSM scene "goes wrong," it's often highly personal for everyone concerned. So it's really hard to talk about and really hard to write about -- both for the dominant and submissive partners. This is just like any relationship, really. After all, people rarely talk about their most embarrassing or awkward or otherwise difficult "mistakes made" during vanilla sex, right?

(I use phrases like "failed encounter" and "gone wrong" and "mistakes" with caution, because I think these situations can often be viewed as learning experiences, and therefore they are successful for a lot of purposes! But certainly in the moment they feel like screwups, and a lot of the time they can make the whole relationship very difficult, and I think that most people who have been through them feel as though some kind of failure happened... whether it was a failure of understanding, communication, empathy, caution, or something else.)

Much of the problem, I think, is that people have such a hard time communicating *after* serious miscommunications and mistakes.

The following quotation is from Staci Newmahr's *Playing At The Edge,* an excellent ethnography of the BDSM community. (I've changed a few jargon terms for the sake of accessibility.)

Sophie had been engaged in a long and intimate S&M relationship with Carl, a friend whom she deeply trusted. During the encounter she describes below, Carl changed his approach, and Sophie subsequently felt that Carl was somehow not quite himself. Sophie and Carl never quite recovered from the incident; though they remained friends and tried to do S&M again, it was, according to Sophie, never the same.

Sophie says: "He was very much a rope top. That was his big thing, was tying people up. And he was excellent at tying people up. And our dynamic was always -- I mean, yes, he would absolutely hurt me when the time came for that, but there was also always this element -- even when he was hurting me, it was done in this incredibly, like, touchingly

caring way. And especially when he was tying me up, it was this soothing, wonderful thing."

Sophie continues, "So one day... Carl starts an encounter with me. Carl had decided in his head, from all the things that he's heard me say about how I play with another partner, that that's what I really want from an interaction, in order for it to be the most gratifying and valuable. So we proceeded to have an encounter where Carl was not Carl. And I didn't stop it because it was so like, I couldn't understand what was going on. I couldn't understand why it felt so horrible. And it wasn't that I didn't trust him, because I trust him completely. [...] I just couldn't figure out what the problem is, I felt horrible through the whole thing. And he was so out of touch with me that he wasn't even aware of how horrible I was feeling. The encounter went on for some time... and the second it was over, I... was just, like, you know, traumatized. And he was like, 'Oh my God, what's wrong?' [and] he carried me into the other room. I said something like, 'Where did my Carly go?' and then he started to cry. [...] He's like, 'I was trying to give you this sadistic experience.'"

In Sophie's story, Carl's risk backfires.... The risks were unsuccessful; each ended up emotionally distraught and distant. Ultimately, they sacrificed the relationship. (pages 179-180)

Man, that description is so intense. Let's talk about it.

The first thing worth noting about Sophie's story is that, while she probably had a safeword, she didn't use it: she says that she "didn't stop it." Sometimes, in really confusing S&M scenes, submissives have trouble using their safewords. This does not mean safewords are worthless... but as Thomas MacAulay Millar put it when we wrote about safewords, "Tops can never be on cruise control." Non-verbal signals matter, and if an S&M partner -- top or bottom! -- starts reacting in an unusual way, it's great to check in with them even if they haven't used their safeword. **Safewords are a useful additional way of communicating about sex, but they can't replace all communication.**

Note also how hard the situation was on the top partner, not just the bottom. Carl ended up crying afterwards!

Next, what I find myself wondering is whether Sophie and Carl could have communicated past this incident. Sophie obviously trusted Carl, and presumably he trusted her. Could they have talked it out and had a successful relationship afterwards? It would have been hard, but maybe they could have done it.

I've (rarely) had similar experiences myself -- where boundaries were severely tested, and afterwards it was difficult for both me and my partner to work through it. It can absolutely have an immense impact on the relationship. I write about this a bit in *Confessions of a Pickup Artist Chaser;* here's a quotation from a section in my book where I'm talking to a dominant partner, with whom I just had such a difficult encounter:

Sometimes, these things happen. One partner pushes a boundary, breaks it; maybe the boundary was unspoken; maybe the dominant misreads signals; maybe the submissive didn't yet realize that the boundary was there. When it comes to S&M, these things can be so dramatic... yet sometimes they're nobody's fault. We find these mental and

emotional blocks, and we call them landmines.

My partner didn't hit the landmine on purpose. He wasn't trying to push me as hard as he did. And I didn't warn him off. So the important question becomes -- how does one deal with such a situation afterwards?

... "I'm sorry," he said. "I'm really sorry. I never want to do that to you again."

"It's okay," I said. "These things happen. But please do be careful. But don't worry...." I trailed off, trying to find words.

It's so hard to know how to talk about this, especially with people who aren't used to discussing S&M. When there's a fuckup, sometimes both sides feel betrayed. The submissive might think: "Maybe I didn't tell you exactly what to avoid, but sometimes it's too much to think about, sometimes it's hard to understand in the moment, sometimes I don't know ahead of time. Okay, so I pushed myself too hard, but I did it because I'm so into you; I did it because, in that moment, I lost track of myself. And anyway, I thought you could read me. I thought you understood me. I thought you knew. You've read me perfectly well before; why not this time? Is it that you don't care?"

Whereas the dominant might think: "Maybe I went too far, but I thought I could trust you to stop me. I thought I could trust you to tell me. I don't want to harm you, I just want to push you; I want to break down walls with you. I want to see your eyes go deep and soft. It's not fair for me to feel like I fucked up, because you fucked up, too. I thought you could take care of yourself. I thought you knew. You've communicated perfectly well before; why not this time? Can I rely on you?"

That particular relationship didn't last, and I think that our most difficult encounter probably affected our trust for each other through the end. Still, I can tell you how we worked on it at the time -- and I can tell you that it felt really good. We just listened to each other. And we both assumed that the other person had good intent. By the end of talking it out -- which admittedly took a really long time; multiple days -- I trusted him more than ever and I felt incredibly close to him.

I've been thinking a lot about classic feminist anti-abuse models, which describe how abusers accomplish abuse. One of the tactics abusers consistently use is Minimizing, Denying, and Blaming their partners. Abusers claim that the abuse didn't happen; they claim it wasn't important; they blame their partners for what happened. A partner who is willing to listen and change will respond openly to criticism and to mistakes: a non-abusive partner will not minimize, deny, or blame.

And those three things are what my ex-partner did not do. He never claimed that our difficult encounter didn't happen; he never put the blame on me; he never insisted that it was no big deal. He didn't even come close to doing those things while we talked it through. He took his emotions and dealt honestly with them, and I did my best to do the same.

Also, in BDSM, we often talk about the concept of "aftercare": that is, what we say and do after a BDSM scene to ground ourselves, bring ourselves back into the world, and connect with our partners. It's important to give careful aftercare after any BDSM

encounter, but if the encounter has been particularly difficult, it's doubly important. I have personally had good experiences leaving Super Intense Conversations like the one I describe above until post-aftercare, when all partners have calmed down and dealt with any immediate emotional responses.

I'm writing vaguely, so here are **some concrete suggestions for things to say during the conversation after a difficult BDSM encounter:**

* "I'm sorry."

* "I still like you and think you're a good person."

* "Do you want to talk about this now? If not now, then let's set a concrete time for later."

* "I'm feeling really vulnerable and confused right now."

* "Why do you think that happened? How were you reading me, and what were you thinking as you responded to me?"

* "How do we feel about this now that we've discussed it, and how can we keep it from happening again?"

* "What have we learned about landmines? Are there any particular words or actions that are definitely off-limits from now on?"

I have one final super important caveat to add here: **Not all "screwups" are actually screwups. Some are just plain abuse.** A human-shaped predator **will** use words like "miscommunication" and "mistake" to cover up what they do. This post is focused on honest errors, but there are dishonest and evil people out there. In particular, if a person "keeps screwing up"... that's a terribly bad sign. **It is not an inherent part of BDSM to feel roiled up and confused and alienated after a BDSM encounter; most BDSMers feel more intimate and connected after successful encounters.**

UPDATE, March 2012: I just found some notes that I took during a workshop about BDSM edgeplay that was run by Mollena Williams in late December. (Edgeplay is a term for BDSM activities that feel especially intense for the participants.) Mollena suggests some questions to ask beforehand:

* Have I seen my partner do S&M before? What did they say or do that made me feel good and comfortable? What did they say that made me have an intense reaction? -- *Pass this information on to the partner ahead of time.*

* What does my gut feeling say about this person? -- *If you have a bad gut feeling about a person, listen to it!* ***Especially*** *for edgeplay.*

Mollena also suggested that when BDSMers play at the edge, they "make a contingency plan" ahead of time... not just for the participants, but for everyone watching, since such activities often take place at dungeons. She noted that such a "contingency plan" might contain:

* Honesty and thoroughness, of course

* Each partner giving each other explicit permission to safeword

* Each partner giving each other explicit permission for "things to not be okay" afterwards

* Having someone on hand that each partner can talk to afterwards -- not necessarily the same person for everyone involved. This person could be an observer, or might know everyone involved in the scene, or might be relatively separate from it all such as a kink-aware therapist, but the really important thing is that this person can give emotional support in every imaginable scenario.

Thanks, Mollena, for the workshop and the thoughts. I've never made such a contingency plan myself, but I definitely think it's worth considering for people who are planning a heavy scene.

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This can be found on the Internet at:

http://clarissethorn.com/blog/2011/12/09/what-happens-after-an-sm-encounter-gone-wrong/

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S&M:

[theory] Aftercare or Brainwashing?

I wrote this in 2012.

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Aftercare or Brainwashing?

Yes, it's another article about abuse and S&M, but I'm going to cover a lot more than that. I'll talk about intimacy and bodily reactions and how these things build a relationship -- whether consensual or abusive. And I'll talk about how to deal with them, too.

Last year, I received an email from a woman who wanted to talk about sexual desire that exists alongside real abuse. She has been abused, but she is sexually aroused by S&M, and she struggles with boundaries a lot. She wrote to me:

Here's what destroys you: that some of us are designed to shut down and feel terror and horror and arousal and shame all at the same time, to crumple before horrible people, to feel aroused even as they genuinely destroy you. This is not in any one's best interest. It's not hot, it's not awesome. And yet it's there.

The worst pain for some of us, that makes you want to scream and not exist and makes you want to scream to the heavens that you want to die and escape being in your own body is not that you are afraid he will come back. It's that you are aroused by the possibility that he will. And other than destroying your very self, you can't stop it. It is the

cruelest of design flaws and the worst people understand it and the most compassionate people don't.

However, the conclusion is ***not*** *that some people want abuse. By definition, abuse is something that destroys you, that leaves you feeling violated and harmed in a way you don't want. And part of that mechanism, that involves the desire for the abuse to continue, is that many of us are designed to want more intimacy once intimacy has been initiated with a person. Many of us don't want to be left.*

And the agony of feeling harmed by being left by someone you never wanted to be there in the first place is confusing and can be debilitating.

No one wants to be harmed in this way. Among abuse survivor communities the arousal involved in abuse situations is often called "body betrayal," but this doesn't seem to encompass how deep the desires can be for some people. At the root, the desires are often the same desires that fit into normal healthy intimate relationships. To be loved, to have an ongoing interaction, to be seen and understood at the root of all your emotion, to be taken sexually and feel the pleasure of another enjoying your sexual arousal. But these emotions have been exploited and manipulated for the gain of others.

For some number of people who have experienced abuse, the greatest split within the self does not simply come from how horrific the acts themselves were but from the feelings of desire and pleasure that can happen in human beings even during horrific unwanted acts. For some of us, BDSM can be a safe way to explore unpacking some of this desire and how these arousal patterns got mixed up with horrific things -- or were already hooked up to horrific things and that pre-existing fact was exploited by a harmful person. And for some of us, taking that out and playing with it may not be a necessary part of recovery at all.

But simply knowing this -- the fact that your arousal and pleasure systems can be activated by harmful people is ok -- it does not mean you want it, it does not mean that it was good for you, or that anyone should have treated you in that way. That can be the greatest healing in and of itself.

I want to thank her for allowing me to publish her words. Her description is so far from how I usually discuss or experience S&M; and yet I see connections, too, and people rarely discuss those connections.

* * *

Aftercare: Intimacy Within Positive and Consensual S&M

A while back, a study came out that established that a consenting, positive S&M experience increases a couple's intimacy afterwards. I cite that study all the time, but I still find its existence kinda absurd; I mean, they could have just asked us how it felt. On the bright side, if S&M is being studied by Real Researchers, it's a sign that S&M is becoming more widely accepted. Yet for all its hormone level measurements and mood surveys, I didn't feel like the study got anywhere near the heart of S&M and how S&M creates such extraordinary intimacy. Why would it? Studies are science, and aftercare is art.

I've previously defined aftercare as "a cool-down period after an S&M encounter, which often involves reassurance and a discussion of how things went." That's a decent quick definition, but there's a lot more to it. Bodily violence sometimes creates a mental malleability and vulnerability that can be used in good ways... but also in terrible ways. I see aspects of this in competitive sports, especially the ones that involve fighting and hurting other people very directly. (Have you ever seen that phenomenon where two guys fight each other and then become Best Friends right afterwards?)

Being together with an S&M partner during aftercare can be used to free people, to make them feel amazing and establish extraordinary intimacy. But it can hurt people too; it can hurt them terribly.

Aftercare, like subspace, is one of the most mysterious parts of S&M. Like subspace, a lot of S&Mers describe aftercare in nigh-mystical language. One excellent page of aftercare advice begins by saying:

Aftercare is the last act of the SM drama. It is the culmination, the pulling together of all loose ends, the finishing touches, the final communion between sharers of the SM ritual, the phase where the participants formally give the fantasy scene a context in everyday reality. Its technical purpose is to transition both players from the elevated states created in a scene [i.e., an S&M encounter] back into normalcy, returning to the motor control and awareness they will need to drive home once the scene is over. But as any good SM practitioner will tell you, it's much more than that. It is the time after the action when the participants come together in mutual affirmation that something special was created and shared. It is when affection and closeness is offered and sought. It is, at very least, the proper time to express thanks to the person who has shared this tiny segment of your life with you. It can be, and often is, the most beautiful part of a scene, and it is part of the scene. To skip it altogether is as rude as having dinner at a friend's house and then bolting once you've eaten your fill.

Aftercare is not always extraordinary, the same way S&M isn't always extraordinary. Not everyone wants or needs aftercare, although I've always felt that if you "don't do aftercare," that's something to warn your partner about ahead of time.

I guess from the outside, aftercare often looks like a combination of snuggling and chatting and giggling -- sometimes, crying and/or comforting. From the inside, though, aftercare can feel like... a shot of pure empathy. Blissful connection. Words like "basking" and "glowing" and "transcending" come to mind. As someone said to me when I was first getting into S&M: "Very few S&Mers actually enjoy giving or receiving pain. What they like is where pain gets them."

The Practicalities of S&M Intimacy

I believe that S&Mers should try very hard to put boundaries around our S&M interactions; we should work to communicate carefully, and compartmentalize what we do. Consent, and well-communicated boundaries, are the factors that separate S&M from abuse. I talked about those boundaries in "Thinking More Clearly About BDSM versus Abuse," and I also talked about them in "What Happens After an S&M Encounter 'Gone Wrong.'" I've written about S&M communication tactics that enable communication and

boundary-setting, from safewords to checklists to keeping simultaneous journals.

Aftercare is part of that boundary-setting process, but a lot of the time, people have a hard time thinking or speaking clearly right after S&M. Some people become incredibly non-verbal, or vague and confused, or giggly, or all of the above. For this reason, some people include later follow-ups (like a next-day phone call) under the umbrella of "aftercare" -- the goal is to allow the post-S&M time to be calming and un-challenging, and then talk things through when everyone's head is clearer. Processing things thoroughly after an S&M encounter is really important, especially if the people involved are planning to do it again. It's important for two reasons: it helps the people involved get a better sense of what they want and don't want; and it helps them learn more about how to communicate with their partners.

Recently, I was privileged to give a partner his first heavy S&M experience. Afterwards, when he was coming out of it, he said to me: "No one has ever touched me so deeply, so fast before." I lay with him, listening. I'm pretty sure I did a good job helping him pick up the pieces, but when I try to figure out **what** I did, I have trouble describing it.

So I wouldn't know how to give a step-by-step "how to" for aftercare, but I can offer some thoughts. For one thing, the person who was dominant during the encounter is usually the person who runs the aftercare, too. When I'm in the dominant position, the message I try to get across during aftercare is along these lines: "I'm here, I'm listening, I care about you, you're safe with me, and you can take all the time you need."

In the submissive position, I'm often too busy processing to think carefully about what message I'm getting across to my partner. But sometimes I do get the sense that he's confused or anxious or needs some feedback, at which point I try to get across a message along these lines: "I care about you and I'm so grateful to you for taking on that power just now. If you need to talk, we will do that when I'm more alert. But for now, let's please just be here together and establish our closeness."

And when I'm switching -- or when the power dynamic is otherwise unclear -- well. I guess I try to get across a combination of those messages.

The Boundaries of S&M Intimacy

I used to be more willing to do S&M "on the first date," when I barely knew my partner. That's changed for two reasons. Firstly, I've become much warier of doing S&M without a strong foundation to the relationship. I've been lucky, because my partners have treated me so well, even the casual ones. (As more stories of S&M and abuse become public, I realize more and more how lucky I've been.) But I don't ever want to be in a position where I do intense S&M and I can't rely on my partner afterwards; and the best way to build a reliable foundation is to spend lots of time together before we get into anything deep.

Secondly, I've become more aware of how quickly S&M can affect me. It's entirely possible to do excellent, intense S&M with someone I can't trust. And if that happens, then boom: I'll be intensely bonded to him, yet unable to trust him. It's not a good place to be. There are some kinds of S&M that feel light or even impersonal to me, but when I do things that feel intense... the bond forms so fast, and it's so incredibly strong. I swear it's a

chemical thing. My body will crave him beyond words, even if my brain knows he's a terrible idea.

I once heard about a woman who won't allow herself to have orgasms during casual sex, because she knows the orgasm itself will bond her to her partner. I don't experience orgasms that way. But when a partner really puts me under with S&M, pulls me in deep, and then he gives me aftercare while I surface? That's where I fall in love.

I've heard of polyamorous S&M relationships in which the primary relationship disallows S&M with non-primary partners. I can certainly understand wanting to reserve that for the primary relationship. I've also heard of polyamorous S&M relationships in which the partners can do S&M with outside partners... but won't allow aftercare with outside partners. I can understand that even better.

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Brainwashing: Intimacy Within Abuse

In late 2010, I cross-posted an article about an intense S&M experience to the blog *Feministe.* In the article, I included these words:

There it was. I felt the tears building, gasps torn from my throat, I felt myself starting to fall apart and reform: around him, around his guidance and force and demands. Almost unable to think. Until finally he relented and said my name, and said softly, "Come back," and ran his hand reassuringly down my hair.

There it was: the reason I want it so much.

In response, a commenter named FormerWildChild wrote:

For some of us, the idea of being hit by another person makes us want to jump up and run out of our skin. It seriously wigs us out. It is not a moral judgment; is a true phobia for another person. It reminds me of when we were at the un-civilized end of Grand Canyon with our children. All that stood between my kids and certain death was inches of loosely packed sand. When we were done sightseeing, I discreetly walked behind the van and threw up until I could breathe again.

I had that same terrified feeling when I read about your account of your last session. I wanted to go wrap a blanket around you, hold you in my arms and feed you tea and cookies until I can finally breathe again.

And my fear is not because I fail to really "get" what you experience. It comes from an absolute recognition of what you describe.

I have experienced what you described at the end of your BDSM session, the breaking and reforming of yourself around someone. I have felt exactly what you are talking about, that feeling of finally letting go, of surrendering, and the other person sensing that you are finally there, and then stopping. I have felt the sweetness of those moments of post-thrashing closeness when tenderness seems to hover in the room. I know the feeling of intense closeness which can follow the next day. The air is filled with a cathartic cleanness, the experience of inflicting pain and of receiving pain has cleared the air better than any southern thunderstorm. I can even imagine coming to crave that feeling

in the way that you describe.

But I experienced all of those feelings as a child. What you described is precisely what it feels like when an abuser truly lets loose and keeps going until "it" breaks, until there is that moment of catharsis for both the beaten and the person doing the beating. In my experience, those relationships are like playing along the end of the Grand Canyon: people fall in, and they die.

Now, I am willing to believe two things: one, it is possible that my mother and other abusers are actually engaged in a form of BDSM rape when they beat the people that they love. Just as sex is the overpowering and taking of something that should be beautiful and intimate, so beating a loved one to catharsis might just be the same sort of thing. Perhaps that is something that abuse experts should look at.

I am also willing to believe that you have an invisible fence as you play along the edge of your own personal Grand Canyon. I am willing to believe that you know how to be there without falling into the abyss. But if that is the case -- that it is safe for you out there, and that I simply need to accept that. Then I will ask you to accept the fact that I will need to go behind the van and toss my lunch.

At first I was frustrated by that comment, because all I could see was someone saying "I want to throw up when I read about your sexuality," and I was like: grrr. But now I look at that comment, and I see such important points, points that are utterly crucial to the developing language that distinguishes S&M from abuse.

I will say first that I have never personally survived that kind of abuse. But I have received emails from people asking me to write about this, over and over, and I hope that I can help those folks by offering my thoughts. I have also spoken to some abuse experts who tell me that, behind closed doors, they do talk about this: they discuss how the existence of real desire, real catharsis, and real intimacy within an abusive context can look terrifyingly similar to descriptions of S&M encounters.

Rape survivors of all genders sometimes experience physical pleasure and even orgasm while being assaulted. A paper about this was published in the 2004 *Journal of Clinical Forensic Medicine,* and there are plenty of first-person accounts around the Internet. Here's an explicit and tremendously saddening quotation from one of them:

I kept physically fighting him off and telling him that though I respected him as my pastor and as a father figure I wanted him to stop. He pushed me, tore my clothes and raped me. ... The pain was incredible as they were very rough and forceful. After what seemed like forever I blacked out. I remember the pastor shaking me hard and slapping me across the face. He then shoved down my throat ten or so Excedrin (a medicinal mixture of pain killer and caffeine) so that I would stay awake.

One of the most disturbing things that happened that night is that I had an orgasm. Despite years of marriage, it was my first orgasm ever. It really confused me. I thought some part of me must be mentally sick to have experienced the pleasure of an orgasm during this horrific trauma.

Here's the thing about consent: **orgasm is not consent**. Physical pleasure is only the

body's reaction to certain types of stimulation. Also: sexual desire is not consent. And **love isn't consent, either**. If I feel sexual desire for my partner, and my body feels good when he touches me, and I love him, yet I make it clear that I don't want to have sex right now... then he's still violating my consent if he has sex with me. (Obviously, if I want to say "no" and mean "yes," then it's my responsibility to negotiate that ahead of time and set a safeword.)

In short: **There can be pleasure, desire, and even love existing alongside real abuse. But that doesn't mean it's not abuse.** This is as true with S&M as it is with non-S&M sex.

I once spoke to a person who referred to himself as an abuser, who told me that he'd read descriptions of S&M aftercare, and that he saw his own tactics within them. He told me when he thought about it, he had always considered it to be "brainwashing."

And I can see it. That's the scary part. I really can see it. I can believe that when we have powerful S&M experiences, we tap into the same parts of our brains that could otherwise be used for psychological manipulation and destruction. S&M shows us how to create and utilize enormous mental vulnerability through violence... and vulnerability can always be abused. In the literature exploring the cycle of abuse, people often write about the "reconciliation phase," in which the abuser is all sweetness and light to their victim; I can't help but wonder how much of the "reconciliation phase" could be recognized as non-consensual aftercare. How much of an abuser's power over their victim might come from the mental malleability that cautious S&Mers learn to respect?

This does not mean that our bodies are broken. The woman whose words I published at the top of this article called it "the cruelest of design flaws and the worst people understand it and the most compassionate people don't." But we don't have to perceive this as a flaw -- it's not a flaw any more than orgasms are a flaw. Some S&M instructors compare S&M mental states to "altered states," like being drunk; there's nothing wrong with being drunk, but people should be careful with alcohol. Our bodies are instruments with certain powers and vulnerabilities that we must respect.

This power and vulnerability is one of the biggest reasons I do the writing that I do. Because although they're invisible, I do have a sense of the fences that FormerWildChild talked about when she commented at *Feministe:* the fences that keep S&Mers from falling into the Grand Canyon of abuse. Those invisible fences around the canyon are constructed from self-awareness, self-esteem, respect, and consent.

Building Fences Around The Canyon

How do we build fences around the canyon? We build them by seeking to understand our desires, and talk openly with our partners, and respect our partners' limits. So I write about communication and self-examination and learning to value my boundaries... and I hope it will help people learn what it means to play at the edge, rather than falling into the canyon.

This is scary, loaded, complicated territory. I certainly don't have all the answers. But I have ideas on how we might begin finding answers from here.

Firstly, S&Mers and feminists both need to be aware of this emotional and biological phenomenon. It can create a sense of overwhelming intimacy with unexpected partners. And it can be used as a tool by abusers who groom relationships that started consensually into abusive relationships.

Secondly, we must keep talking about communication and boundary-setting. An important part of this discussion is openly discussing what happens when well-intentioned S&Mers screw up, and how we deal with that. Again, I wrote about that in "What Happens After an S&M Encounter '"Gone Wrong.'" Thomas MacAulay Millar has a great post that lists the mistakes that can happen within S&M. He mentions, for example, that sometimes there are genuine physical "technical" errors; sometimes people also hit "landmines" or unexpected psychological problems (I also covered landmines in my post). Talking openly about screwups makes it harder for abusers to claim that they "just screwed up."

Thirdly, within our communities, we need to spread the word -- especially to people who we believe might be inexperienced or vulnerable or otherwise in a position to have this used against them.

* * *

After June 16, 2012, this can be found on the Internet at:

http://clarissethorn.com/blog/2012/06/16/sm-aftercare-or-brainwashing

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COMMUNICATION:

[theory] Feminist S&M Lessons From the Seduction Community

This was originally split into three parts and published in 2011 at GoodMenProject.com. Obviously, it covers some territory that I also cover in Confessions of a Pickup Artist Chaser, *but the book is much chattier and has more fun anecdotes. Also, you should totally buy the book. Okay, I'll stop advertising it now.*

* * *

Feminist S&M Lessons From the Seduction Community

There is an enormous subculture devoted to teaching men how to seduce women. Within the last half-decade or so, these underground "pickup artists" have burst into the popular consciousness, aided by Neil Strauss's bestselling book *The Game* and VH1's hit reality show *The Pick-Up Artist.*

Pickup artists -- also known as the "seduction community" -- exchange ideas in thousands of online fora, using extensive in-group jargon. One pickup artist site lists "over 715 terms, and counting." There are pickup artist meetups, clubs, and subculture celebrities all over the world. There are different ideological approaches and theoretical schools of

seduction. Well-known pickup artist "gurus" can make millions of dollars per year: they may sell books; they may sell hours of "coaching"; they may organize training "bootcamps" or conventions with pricy tickets; they may run companies full of instructors trained in their methods. The community even generates its own well-thought-out internal critiques.

I am a sex-positive feminist lecturer and writer. I write primarily about my experiences with sadomasochism, but I have a general interest in sexuality. I first encountered pickup artists when smart ones started attending my educational events and commenting on my blog.

Some aspects of pickup artistry are hugely problematic; many parts of the community showcase and encourage misogyny. While exploring the PUA jungle, I observed things that turned my stomach and brought tears to my eyes. On the other hand, I had to admit that some pickup artist perspectives were very interesting. Some had fascinating insights about gender theory and social power. I also felt drawn by their exploits. Learning seduction, and watching hypothetically-dazzling Casanovas run a courtier-like game, sounded like an extremely fun way to spend my time.

I started my journey by talking to a few pickup artists and reading their fora. By the end, I had given a lecture at a seduction convention, and I had decided against developing my own coaching business. Today, I can offer a quick synopsis of my own history, and why I became so interested in PUAs. I will break down some elementary distinctions among the men of the seduction community. Finally, I will offer a few PUA-influenced thoughts on feminist goals.

* * *

I was an awkward little bookworm of a child, but at least I was creative. I liked to draw, invent games, and run amateur social experiments. When I was in high school, most of my friends were on the Internet; I did not date a real-life boyfriend until college. I was inevitably teased by my peers, but even when treated well, I rarely engaged with the social hierarchies around me. I had difficulty grasping how social mechanics were "supposed" to work. A lot of things seemed obvious to other people that were not obvious to me.

For example, in sixth grade, a female friend of mine teased me about flirting with a boy. "What was I doing?" I asked. "Come on, you were flirting!" she responded. While I thought I almost understood what she meant, I was unsure -- so I set out to poll everyone I knew about what constitutes "flirting." Responses were inconsistent. One person said, very definitely: "Giggling." Others cited examples such as "intense looks" or "making jokes."

By the end of this experiment, I concluded that no one seemed able to explain "flirting" in terms of consistent behaviors; there were few commonalities in my final list. From what I could tell, flirting could only be explained in terms of invisible interpersonal dynamics. I found this both entertaining and frustrating.

I sometimes wonder what would have become of me if the modern pickup artist community had existed back then, and I had discovered it. PUAs devote a lot of time to

understanding seduction in terms of observed behaviors. They have terms for social tactics that run the gamut from creating rapport, to encouraging trust, to building sexual tension, to shifting social power. But although the purpose of these social tactics is to manipulate emotion, the tactics are typically described as concretely as possible. Some PUA coaches provide long memorized "routines," but it is more common to talk about particular social actions or broader strategies.

One famous PUA tactic is called the "neg." "Neg" stands for "negative hit," and one site defines a neg as "a remark, sometimes humorous, used to point out a woman's flaws." Like many PUA terms, the deeper meanings and usage vary from PUA to PUA -- but there is an especially dramatic range of meanings with "neg."

Some PUAs see negs as friendly teasing: a way for the PUA to show that he is paying attention to the girl, without appearing needy or overeager. I can offer a cute example of this approach from my own life. I was sitting in a cafe with a former PUA, and he gazed deep into my eyes.

"Wait a minute," he said slowly. "Are your glasses held together by epoxy? It looks like you had to repair them at the corners."

"Yeah," I admitted.

He grinned. "Everything about you just screams 'starving artist,' doesn't it."

This made me laugh for quite a while. I think it worked because he understood that I have chosen (for now) to be a broke writer -- but he also recognized the tension I feel about that choice. So this gentleman was demonstrating that he correctly discerned my priorities; that he is not bothered by a choice that makes me feel self-conscious; and that he is confident enough to tease me.

Also, at a moment when I thought he might compliment my eyes, the former PUA shook up my expectations by breaking the romantic pattern. Often, effective flirting involves offering the right mixture of confidence plus charming novelty plus paying attention.

Some PUAs see negs more strategically, as a way of passing a woman's "tests" or breaching her indifference. They argue that this is necessary for women who are very high-status, very beautiful, etc. They argue that some women develop a kind of immunity to compliments, and that some women actively prefer feisty, faux-adversarial flirting. Most PUAs only advocate using negs on women who meet a certain "minimum" level of attractiveness, or who seem particularly feisty. Neil Strauss, a famous PUA and author of the bestseller *The Game: Penetrating the Secret Society of Pickup Artists,* once wrote that:

When you give a woman who's often hit on a generic compliment, she will usually either ignore the remark or assume you're saying it because you want to sleep with her.

When you tease her and show her that you're unaffected by her beauty and demonstrate that you're out of her league -- and THEN let her work to win you over and ultimately REWARD her with your approval, she will leave that night feeling good about herself. Like something special happened and she connected with somebody who appreciates her for who she REALLY is.

In short, a neg will buy you the credibility you need to sincerely compliment her later.

That said, I don't necessarily advocate negs; they are in many ways a temporary patch to stick onto your personality while you learn to possess real confidence and strength of character.

Although this is a manipulative approach, it is not inevitably harmful. It also is not limited to the sphere of sexual relationships; humans often pretend not to care what other people think, and consistently attempt to be taken seriously by others. Additionally, for many people, flirting involves a certain amount of strategic ambiguity and plausible deniability, and negs are a useful tactic for that kind of game. Not everyone likes playing such tacit and confusing games, but many people do.

However, this is all cute and mild compared to how some PUAs talk about negs: some cite the neg specifically as a tactic to make the girl feel bad.

A well-known PUA who goes by the name of Tyler Durden once wrote that: "You use self-esteem negs to lower the target's self-esteem, and crave your attention to re-validate herself." Similarly, an especially pitiless PUA blogger who is sometimes described as "the Darth Vader of PUAs" writes that:

The best negs are those which are conceivably meant as compliments, but which linger in her psyche for hours afterward, undermining her self-conception and encouraging her to qualify herself to you [i.e. encouraging her to explain why she's worth your time].... [A neg] infiltrates a girl's subconscious so that she spends more mental energy analyzing her worth than she does analyzing yours.

One commenter adds to the above blogger's words that: "So long as you have a woman auditioning for you, power remains where it belongs -- squarely in your pocket."

In other words, a person who feels anxious and unworthy will be easier to control. These cruel PUAs have learned the same lesson as thousands of people in abusive relationships.

Here is an especially instructive quotation from the comments on "Darth Vader's" blog: "[Women] really are insipid, vapid airheads. If it wasn't for the pussy, there would be a bounty on them." That statement is interesting not just because of its hatred but because of its fear. After all, no one puts a bounty on targets that are not dangerous. The most misogynist corners of the PUA subculture not only discuss ways to aggressively manipulate women; they also paint women as selfish, deceitful and hazardous.

The various approaches to negging highlight both the different shadings of opinion across the subculture, and a particularly important distinction among PUAs themselves. Some of these men genuinely do enter pickup artistry out of a desire to connect to women. As one PUA told me, "When I first looked at PUA stuff, I was like, 'This is so sleazy and gross.' But I'd never had a girlfriend, and I kept telling myself, 'Dude, you are lonely and miserable and you don't want to die alone.'" On the other hand, many PUAs become PUAs because they want unilateral power and control over women -- and many PUAs attempt to justify this through narratives and jokes that encourage fear and anger against women.

* * *

Aside from the "connection" vs. "control" distinction, there is also a distinction between PUAs who are seeking what is essentially self-help, and those who aren't.

The PUA concept that best illustrates this is "inner game." Inner game is, essentially, genuine confidence and sense of purpose. It contrasts with "outer game" -- i.e., the things a PUA says and does to attract women. A "neg" would count as "outer game," for example.

Most successful PUAs reach a point where they decide that, in the words of one coach: emotionless "sport-fucking kinda sucks." (Some PUAs start at this point, but that is a bit unusual.) They conclude that it's time to pull back from the game; to seek longer-term or more emotionally connected sex; to examine their priorities; and to discover interests aside from picking up new girls. Finding themselves in this way can be described as "inner game." The men who discuss inner game often talk about developing their own businesses, exercising regularly, keeping a healthier diet, accepting their own vulnerabilities, pursuing hobbies, and improving their connections with people of all genders.

Most PUAs also realize that women respond well to genuine confidence and sense of purpose. This could be seen as ironic: notwithstanding the fact that "inner game" emphasizes self-improvement, the concept is still centered on seducing women. However, despite the fact that "inner game" is centered on gaming ladies, its ultimate result is usually to encourage PUAs to think about what they really want from life. PUA coach Mark Manson once wrote that, "You don't end up in the Pick Up Artist community unless you are incredibly unhappy or unsatisfied about something. It may be conscious, it may be unconscious. It may be short-term, or it may be deep-seated and long-term." He later wrote to me by email that: "This is a giant self-help community in disguise." I also once interviewed Neil Strauss himself, who said he hoped that his famous book *The Game* could become "the beginning of a men's self-help movement -- because self-help isn't emasculating anymore if you're doing it to get laid."

Interestingly, Neil Strauss also told me that he agreed with feminism in many ways, and said things like: "We still are a patriarchal society." Many feminists felt that my interview with him was full of problematic statements, and his words were picked apart by feminist readers. I do not disagree with many feminist critiques of what Strauss said -- but considering where Strauss was coming from, his words were extraordinarily supportive of feminism. One feminist commented to me that, "I don't understand why you're not more critical of this guy." In response, it is worth noting how an anti-feminist writer responded to Strauss's words:

Whether Strauss is an ignorant fool or an opportunist liar who wants to appease feminists in order to avoid negative feedback is anyone's guess, but if his words are anything to go by, we can safely assume that the best-known public advocates of Game are perfectly OK with parroting feminist dogma.

For the few, mild pro-feminist statements Strauss made, some PUAs deride him as either an "ignorant fool or an opportunist liar." (Others hurled particularly misogynist insults such as "mangina.") This is both a demonstration of how vitriolic PUA anti-feminist sentiment can become, and an example of the social shaming that sometimes leads men

in the PUA community to avoid associating themselves with anything resembling feminist thought or woman-friendly perspectives.

Clearly, many men view pickup artistry as a kind of therapy. The community can be a support group for self-confidence and self-improvement. Unfortunately, many corners of the seduction community are also a support group for virulent misogyny. Some feminists argue that any man who seeks self-help through the seduction community is effectively embracing misogyny, because so much of the community is misogynist. However, some PUA students could be interpreted as seeking self-help from the only avenue they see as acceptable, if they are coming from a culture that usually defines self-help as un-masculine or anti-masculine. Again, note that Neil Strauss said: "self-help isn't emasculating anymore if you're doing it to get laid."

The most confusing thing about misogyny among PUAs is that although some more-misogynist PUAs separate themselves consciously from non-misogynist PUAs, and vice versa, the groups still overlap a great deal. Even PUA-influenced men who prioritize non-misogyny, and are willing to talk to a feminist writer like me, often seem to soak up misogynist ideas from the rest of the subculture. At one point, I talked to one PUA I thought was committed to being non-sexist... until he expounded quite seriously upon how his favorite PUA blogger thinks the USA would be better off if women did not vote. One goal of my book, *Confessions of a Pickup Artist Chaser,* is to draw clearer lines: to give examples of PUAs and PUA approaches that seem more abusive or inclined towards harm, as opposed to approaches that seem mostly playful, harmless or even positive.

* * *

Although I want to cry when I see statements like, "If it wasn't for the pussy, there would be a bounty on women," I try not to let it distract me from some insights emerging from the seduction community. By focusing empirically and pragmatically on the process of sexual escalation, PUAs are approaching gender norms in a way that many people -- including feminists -- usually do not. Also, I can relate to some PUAs because some PUAs have the same history of social anxiety that I do.

I have another personal reason for feeling uncomfortable painting PUAs as "the enemy." When feminists criticize how PUAs approach sexuality, I have mixed feelings, because I myself am known for sexual desires that are unpopular with some feminists. As I grew out of being an awkward little bookworm nerd, as I began dating and exploring my sexual needs, I started to understand my sexuality as being heavily involved with BDSM.

Consensual BDSM is a heavily stigmatized type of sexuality, although some sexologists have argued that it might be viewed as a sexual orientation. Many feminists marginalize BDSM just as much as the rest of society does -- or more. Famous German feminist Alice Schwarzer once said: "Female masochism is collaboration," and a recent history of *Ms. Magazine* quotes a co-founding editor who recalls that:

I threatened to leave over a manuscript by a woman who was a former editor of ours who was writing about why she was a masochist and trying to make it an okay choice. I would rather leave than work for a magazine that published that. And we didn't publish it.

As a result, notwithstanding my considerable feminist writing and activism, I live in fear of my "feminist card" being revoked because of my BDSM identity.

Yet, simultaneously, my practice of BDSM has greatly informed my feminist understanding. Rape and consent are both very important feminist issues, and much of the BDSM community obsessively examines sexual consent. The dominant BDSM community "mantra" is "SSC: Safe, Sane, and Consensual." Some people debate whether another "mantra" would be better, but I have never heard of someone removing the "consensual" part. Indeed, the ways many BDSMers think of sexual consent overlap dramatically with the ways that many feminists think of it.

Safewords are a famous and high-profile example of careful BDSM communication tactics. They are specific code words that any participant can use to stop the sexual action at any time. Safewords are important in a context where one partner might want to scream "No!" or "Please don't!" or "Mercy!" with no intention of actually stopping the action.

Safewords serve another, stealthier, but equally important function: they bring home the idea that consent is a continuously changing process. Consent is part of the ongoing sexual negotiation that takes place between two people. Here, BDSM consent ideas overlap heavily with feminist consent ideas. For example, one article by high-profile feminist Jaclyn Friedman pushes back against dominant conceptions of consent by stating that "consent is not a lightswitch." As Friedman writes:

Sexual consent isn't like a lightswitch, which can be either "on," or "off." It's not like there's this one thing called "sex" you can consent to anyhow. "Sex" is an evolving series of actions and interactions. You have to have the enthusiastic consent of your partner for all of them. And even if you have your partner's consent for a particular activity, you have to be prepared for it to change.

Safewords are, effectively, a constant reminder that "you have to be prepared for [consent] to change."

BDSMers and feminists tend to teach explicit, straightforward verbal sexual communication -- in contrast to the seduction community, which typically teaches non-verbal or playfully tacit sexual communication. For example, the seduction community has an extensive array of discussions about how to initiate flirtatious touching, which PUAs refer to as "kino." The seduction community also places a strong emphasis on developing skill at reading a social situation without asking exactly what is going on; if a PUA is good at understanding implicit social signals, he is described as "calibrated."

For BDSMers and feminists, the sexual consent territory continues to overlap after safewords. Huge factions, if not majorities, within both groups have concluded that the best way to encourage consent is not merely to encourage people to understand that they can withdraw consent at any point -- but to encourage open communication and self-knowledge about sex.

Among feminists, an example of this approach is Jaclyn Friedman's brand-new book *What You Really, Really Want: The Smart Girl's Shame-Free Guide to Sex and Safety. Salon's* Tracy Clark-Flory notes in an interview with Friedman that:

The book is filled with writing exercises that prompt readers to reflect on everything from body image to sexual assault. It's essentially a guide to writing one's own personal sexual manifesto.

Among BDSMers, an example of this approach is the multi-page checklists that some BDSMers use. (I already wrote about this in my piece "Sex Communication Tactic Derived From S&M: Checklists," reprinted earlier in this book; just in case you haven't read it, I'll briefly describe them.) Checklists are essentially lists of every conceivable BDSM-related act; each act on the checklist looks something like this:

FLOGGING -- GIVING _____ O O O O O

FLOGGING -- RECEIVING _____ O O O O O

Each partner rates each entry by filling out 1-5 bubbles, with 1 darkened bubble meaning "Not interested" and 5 bubbles meaning "I crave this!" This type of explicit communication is both an excellent way to help partners understand each other's desires -- and to help partners understand each other's boundaries. In a way, this sort of thing could be seen as "Master Class" consent communication.

This was the context whence I emerged when I started investigating pickup artistry. I am a feminist, but I'm a flavor of feminist with a troubled history within the movement. I am an advocate for explicit communication, but I believe that no aspect of consent should be ignored, and I am concerned that many feminists and BDSMers give a certain unwarranted privilege to explicit verbal communication over implicit or non-verbal communication.

People seem likely to develop a preference for explicit communication if it seems more necessary. For instance, many BDSMers develop a preference for explicit communication because our desires are unusual and precise, and complicated words will help us get what we want. Feminists develop the same preferences because explicit communication is the clearest way to ensure sexual consent. Accordingly, some people attempt to promote explicit sexual communication by saying: *We should make it necessary.*

Here's an example exchange from the comments on a thoughtful feminist BDSM blog. A male commenter asks:

I once had an argument with a very good female friend of mine about kissing. She was perturbed about a date who asked her if he could proceed to kiss her. She said the man should just know. It should be instinctual and u lose the moment as soon as u ask. I said that was bs, the first move is one of the most nerve wracking things, the very fact that he asked shows his politeness and tact and frankly a lack of presumptuousness.... What do you think? What's the line between politeness and passivity?

The feminist blogger, an intelligent and awesome lady who goes by the name Holly Pervocracy, responds that:

I don't say this very often, but "you lose the moment as soon as you ask" girls really are ruining it for the rest of us.

As far as I'm concerned, they can go without ever being kissed until they wise up.

However, I think (or would like to think? augh) that most girls are not like that, and that you should not plan for girls to be like that. I'd definitely rather offend someone by asking than offend them by not asking.

Holly implies that people who don't like explicit communication should effectively be banned from kissing: she says, "they can go without ever being kissed until they wise up." I have a certain cantankerous sympathy for this perspective, and I have said similar things myself in the past. But my research into pickup artists made me wonder about whether this perspective is tenable, given a world in which most people seem to enjoy and engage in a great deal of tacit communication.

Speaking only for myself, I must admit that I like it when a man can read my unspoken signals well enough that he can tell when to kiss me without asking aloud. Sometimes it can be nice when a guy asks. But if he can read my tacit communication about kissing, that is a signal that he can read a lot of my other tacit communication as well.

Furthermore, if many people really enjoy unspoken social games and strategic uncertainty, then "the game" will never go away. Evidence that people enjoy those things does not only include the pickup artist subculture -- romantic comedies and romance novels consistently find a market, after all.

Additionally, part of improving sexual communication means learning more about unspoken communication -- not just spoken communication. The pioneering social economist Peter F. Drucker once said, "The most important thing in communication is to hear what isn't being said." This maxim is no less true when it comes to sex than it is in any other area of human endeavor. PUAs have spent years gathering information on tacit sexual communication, so perhaps one feminist goal should be to try and understand what they've learned, such as the characteristics of excellent social "calibration."

Some feminists and BDSMers exist who already think a lot about teaching implicit or unspoken communication. On the feminist side, one webpage about sexual violence features an image of a woman saying: "I stopped kissing you back. I pushed your hand away. I said I wanted to leave. It all meant 'NO'." On the BDSM side, there is often an expectation that BDSM partners will discuss their experience and reactions once they are done doing BDSM with each other, so as to learn more about how to read each other's tacit signals. However, I have never encountered a BDSM seminar on the topic of non-verbal communication, though I've attended several on verbal communication.

My perspective on non-verbal communication is not without precedent among feminist BDSMers, though my willingness to deal extensively with PUAs might be. Still, I believe that non-verbal communication is not taught well, and that feminists and BDSMers in particular do not spend enough time discussing its role in sexual interactions. Given that both communities emphasize that consent and communication are crucially intertwined, perhaps both communities might draw insight from some PUA conceptions of "kino," "calibration" and other ways of examining implicit communication.

I once started a thread about pickup artists on a major feminist blog, to which one feminist responded: "I'm getting so sick of these PUA threads.... So I'll just come out and say it: PUAs rape women through coercion and manipulation. Full stop."

There are a lot of things about pickup artistry that I really do not like. There were points during my PUA adventures when I learned about incidents and strategies that blatantly sound like rape. This is a huge can of worms, and I discussed it at great length in my book. For now I will only note that there is an entire PUA area of inquiry called "Last Minute Resistance" (or "LMR"): that is, what happens when a woman resists having sex. "Last Minute Resistance tactics" ("LMR tactics") are designed to convince a woman who has expressed hesitance, distaste or discomfort to have sex anyway.

"The first two 'no's don't mean much, and should be expected," advises one PUA while outlining LMR tactics. This is exactly the kind of thing that gives the community a bad name. In fairness, some PUAs talk about trying to understand why a girl is uncomfortable, and then addressing the root cause of her discomfort. For example, a PUA might advise asking whether she is menstruating, and then reassuring her that he won't be grossed out by having sex if she is. Some PUAs try to claim that most LMR tactics are harmless and communicative, but this is a difficult claim to defend. I have always been more impressed by the few PUAs who simply advocate respecting Last Minute Resistance, such as David Shade:

Do not push against last minute resistance. You will be like all the other guys who objectify women and do not respect her as a real person. And it will reek of desperation.

... In fact, move things along just slightly slower than she'd like it. Make her wait. It builds that sexual tension, and it makes her think. When she is away from you, she is going to think about it a lot.

Of course, while Shade is advising his clients to respect boundaries, he's advising them to respect boundaries as a tactic for seducing the woman eventually. Another example of this approach comes from Mark Manson, who appears more interested in respecting women for the sake of respecting women, but whose main thrust is still seduction advice:

In [an LMR situation], there's always a fork in the road: you can do the typical freeze-out/high-pressure PUA bullshit to try to manipulate her or annoy her into giving up the resistance. Or you can be honest about the situation and resign yourself to accepting the fact that you may not have sex tonight.

Guys, listen. Always, always, always go with the second option. It may sound counter-intuitive, but you have to go with the second option. Not only because it's the right thing to do. Not only because it's what any respectful human being should do. But because if you make it clear that there is absolutely no pressure for her to sleep with you, if you show her that you can be trusted and that you're OK with whatever she decides (and by the way, you do need to be OK with whatever she decides), then she's going to become ten times more comfortable with you, and therefore is actually more likely to WANT to have sex with you.

PUA frameworks and tactics are often consent-friendly. Many "LMR tactics" encourage pushiness or even outright non-consensual behavior, such as ignoring the woman when she says, "No." Yet things I discussed in previous sections of this article – such as "negs," and body-language "kino" tactics -- are clearly neutral: their usage is shaped mostly by the goals of individual PUAs and the social context in which they occur. Discussions of

social "calibration" -- increasing one's capacity to read social situations -- as well as "inner game" and being attractive by improving oneself will generally be a positive good. Indeed, it could be argued that no PUA tactics are inherently abusive, but some are more obviously susceptible to being used badly... the same way a sword is more obviously susceptible to evil usage than a table.

Previous feminist writers have usually preferred to complain about the seduction community's misogyny rather than examining the community deeply. I have been more interested to see whether I could understand and make use of the positive PUA theories. Understanding the "Darth Vader" types might be useful, too. There is a percentage of PUAs who are non-consensually hurting women, and if we learn how those men do it, we might also figure out how to disarm them.

I must acknowledge that I eventually felt that the community was damaging, poisonous, and unhealthy for me -- to the extent that I needed to get out and detox. (PUA detox is a recognized phenomenon even among some PUAs... and former PUAs.) However, there are truths within it that are both intriguing and important.

I have never quite erased my fear of having my "feminist card" revoked, although it is not clear how "feminists" -- a fractious group if ever there was one -- could withdraw my presence in the movement. There is no Central Standards Bureau for feminists. Perhaps inevitably, the feminist reaction to *Confessions of a Pickup Artist Chaser* was quite mixed... although some other feminists appear to agree that there are important and interesting things to learn from PUAs about gender, culture, and feminist consent models.

An overall lesson here might be that thinkers with a lot in common are increasingly isolated from each other through the accelerating Balkanization of detailed, insular, interest-based subcultures. Like the drive towards interdisciplinary research in academia, perhaps a kind of interdisciplinary subcultural approach is being developed by those of us more interested in building bridges than burning them.

* * *

This can be found on the Internet at:

http://clarissethorn.com/blog/2012/02/27/feminist-sm-lessons-from-the-seduction-community/

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S&M:

[storytime] The Strange Binary of Dominance and Submission

I wrote this in early 2012, and it was originally published at RoleReboot.org. If I had to summarize my relationship with this gentleman today, then ironically enough, I'd say that "it got complicated and I'm pretty sure it's over now." I still like this piece, though.

* * *

The Strange Binary of Dominance and Submission

It's been a while since I felt simultaneously very into someone, and very sure about him. It's a strange feeling. I've been playing with theories about how "flirtation is basically an exercise in strategic ambiguity" and "insecurity is an integral part of romantic intoxication" and "uncertainty is an emotional amplifier," and I do think that those ideas are true in many ways. But I got so wrapped up in theory that I forgot how it feels to be way into someone... and only a little bit scared.

* * *

I met Mica at a Saturday night party. When I left the next morning, he said he wanted to see me again as soon as possible. "Monday?" he asked. "Tuesday?"

"Monday," I said. "Tomorrow."

He's a smart, creative thinker. There are layers to him, and he practically shines: so why not name him for the mineral Mica? I would love talking to him for those reasons alone. But there's also a kind of certainty to him; a calm presence; an extraordinary quality of attention. Once he's focused on a partner, there's a rhythm behind everything he does. He's so precise that when I'm kissing him, I feel like an awkward puppy.

I observed this very quickly, and something else: that the quality of his attention -- often **overtook** him. Controlled him. In a sexual interaction, it's difficult to distract him from catering to me. And since he's excellent at reading my desires, I usually don't **want** to distract him.

It made me think of what I was like, years ago, before I understood my submissive tendencies. Mica hadn't done much explicit S&M before, and when he'd done it, he was dominant. I didn't want to project too much, or make any assumptions about him... but I couldn't help noticing.

The second night I was with him, I asked him to inflict light pain on me. Very light. I didn't want to go further with him, yet. But his instincts for delivering pain and watching my reactions were, as I suspected, beautifully calibrated.

The third night I was with him, he touched my face and kissed me. I felt my eyelashes flutter and my body melt, and he smiled. Then he said, "I'm feeling really gentle tonight. I don't know how much I'm up for."

He doesn't want S&M right now, I thought. Sometimes guys date me and get anxious that I'll be disappointed when they don't want to do S&M. This is understandable, given that I'm an S&M writer. But I hate that, because the last thing I want is for one of my partners to feel obligated... and besides, even I don't want all-S&M-all-the-time. I smiled directly into Mica's eyes and told him I was fine with it.

In bed, I watched him. Watched his extraordinary attentiveness. Eventually we got to a point where I was leaning over him, kissing him. I watched him give up his body to the kiss. *He doesn't want S&M right now,* I thought... *except that his main experience with S&M, so far, is being in charge.*

"Do you trust me?" I asked him.

"Yes," he said. "Absolutely."

I clenched my nails into Mica's side, and his back arched. It was the clearest invitation I'd seen from him and, I suspected, the clearest invitation he knew how to give. If he even knew that he was giving it. It can take a lot of time and experience for a submissive to learn what they want well enough to give good feedback for it. It's one of those submissive skills that people don't think about enough, because for some reason we're always too busy teaching dominant skills.

I kissed Mica again, and tore into his back.

He was ready for it. His breathing fast became irregular; he gasped; he shook in my hands. After a while, I pulled back and simply observed the intensity flooding through him. His body undulated like a wave.

"I knew you were dangerous," he breathed. "In exactly the way that I want."

"Dangerous," I repeated. I hesitated. "What do you mean?" His eyelashes flickered, and I saw that he was too far under to answer me. He probably barely knew what he was saying. (In S&M, we call this state of mind subspace.)

I pushed him a little farther. I only used my nails, but you can do a lot with your nails. I said his name, over and over. He struggled, he fought his own body. I observed the struggle and saw myself in it. "I know," I told him.

Eventually Mica said, quite seriously, that he wanted to stop. I was certain that he could take more. A lot more. I might have been able to convince him to continue, and had him thank me for it later. But he needs to know that I'll respect him when he says to stop. Also, in a somewhat self-interested way, I don't want to set a precedent where his boundaries are entirely nonverbal; where his limits depend on my capacity to see through him. Maybe someday, when we know each other really well. Right now, it would make it too easy to seriously harm him... and for him to hate me afterwards.

So I stopped.

"No one has ever touched me so deeply, so fast before," Mica said, later. And, later later: "This changes **everything**." I lay still, kept my arms around him, listening. "That was total catharsis," he said. "I mean --" a note of doubt crept into his voice. "Do you actually **like** doing that?"

"Yes," I said. I said it fast and hard, because he needs to believe it. I understood why he was asking: I've been there. When I was first getting into S&M, the first time I felt that way, I had a hard time believing that my partner actually liked doing that for me. It felt so incredible. It felt like I couldn't possibly be giving back as much as I received. Sometimes, I still feel that insecurity.

"I'm glad you like it," Mica said. I felt his body relax next to mine. "Because I'm going to want that again."

"I know," I said softly.

I tried not to be afraid. Not only because I like him so much, and it's easy to be afraid. But because someone like Mica, who wants so much to give, can be seriously damaged by a partner who isn't careful to offer him space to be exactly who he is.

And, most of all, because S&M is a complex and fickle mistress. Because I knew that if Mica expected me to be able to do that regularly, he was bound to be disappointed. His tendencies are there, and I can learn them, but this one "total catharsis" depended on a confluence of factors: there had been something close to his surface, something he'd practically begged me to pull out, and it had been his first time.

Plus, S&M also depends on self-maintenance and reasonable expectations and respecting our own failures. An S&M relationship will be much less stable if the people involved can't accept imperfection.

I was scared, scared, **scared** that Mica believed me to be more amazing than I could ever possibly be.

* * *

The next day, Mica was thrilled by his scratches, and showed them off to me. I was pleased by how he eroticized the marks -- I do that, too -- but I also felt a moment of piercing guilt. "I'm sorry," I said. "I should have been more careful, before leaving marks like that. I should have asked."

Mica met my eyes directly, insistently. "No," he said. "Don't be sorry. Last night was amazing. You knew exactly where I needed to go."

I pushed back my fear -- *he expects too much of me* -- and answered quietly. I ended by telling him, "S&M can't be that, all the time." He nodded. I hoped he was listening.

Fortunately, he was. The next time we did it, Mica was slightly disappointed that it wasn't mind-blowing -- as I knew he would be. But he dealt with it. He articulated the disappointment to me, and he remembered that I'd warned him, and he said that he was prepared to take things as they came. And then, lying on his side next to me, watching me, he asked: "Do you want pain?"

I felt my eyes widen. I felt a spike of fear. I was already so into him. I knew that if I allowed him to get me to subspace, there'd be no going back.

"Yes," I said.

And again, that attention. In a way, sometimes, Mica's attentiveness can be strangely inconvenient. He's almost over-attuned to my desires. Even when I tell him to close his eyes, he can't lose himself that way; he can't make himself keep them closed. The quality of his attention is, however, quite remarkable when he hurts me.

"This is where you could take me apart," I said afterwards, as I surfaced out of that terrible vulnerability.

Mica looked at me, rested his head on me. "I just want to take care of you," he said.

* * *

When I was younger, it took me a while to get around to taking the dominant role. And there's still something I can reach when I'm being submissive and masochistic that I've never reached when I'm dominant. Still, I think of myself as a confirmed switch now: someone who can take either the submissive or dominant role. Yet it's such a strange binary, isn't it? If he rips me apart and then says, "I just want to take care of you," then which of us is in charge?

Mica told me recently that, "When you're hurting me, my favorite thing you say is 'I know.' Because you **do** know. You know exactly what it's like."

By now I'm barely scared. It hasn't been that long, and I'm trying to allow for New Relationship Energy. I know this could still go up in smoke. But we've talked about expectations, and we've talked through what we're both looking for, and we're both thinking of each other in a long-term way.

If I had to point to events that "proved" Mica has serious potential, two things would top the list. First, in the aftermath of his first incredible S&M experience, when he dealt with the disappointment of realizing that S&M can't always be that -- dealt with it quietly, sensibly, without drama, by talking to me. And second, when he said, in defiance of most aggressive stereotypical dominant roles: "I just want to take care of you."

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This can be found on the Internet at:

http://clarissethorn.com/blog/2012/02/10/storytime-the-strange-binary-of-dominance-and-submission/

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FEMINISM:

[storytime] My Mom's Rape Story, and A Confused Relationship With Feminism

I wrote this in 2012, for Mother's Day. It was originally published at the girl-power site OffOurChests.com.

* * *

My Mom's Rape Story, and A Confused Relationship With Feminism

My mother is a rape survivor. In 1970, when she was in her twenties, she came home alone one day with the groceries. As she was opening the door, a man came up behind her and forced her into the apartment, where he violently assaulted her. For years afterwards, my mother had Rape Trauma Syndrome -- a type of Post-Traumatic Stress Disorder that affects rape survivors -- but neither RTS nor PTSD had yet been identified, and psychiatrists didn't know what to do with her.

Later in the decade, my mother dumped one of her boyfriends. He then came to her apartment one night, broke in, and raped her. As he got in bed, she was in the middle of a flashback. She cried and said "No," and he had sex with her anyway. When she tried to tell him later that what he'd done was unacceptable, he informed her that because she'd pursued him during their relationship -- because she was the one who originally asked him out -- a rape case would never stand up in court.

My mother met my dad many years after these incidents. Mom first told me that she'd been raped in my late teens, because she was considering telling her story to our church congregation, and she wanted me to know before she did that. The full stories came out during intermittent conversations in my twenties. I love both my parents with the fire of a thousand suns, and let me tell you, I've spent an unreasonable amount of time fantasizing about murdering the men who attacked my mother. I doubt I could find the first guy, but I could probably find the second, and in my early twenties I often imagined shooting him in the head. (Don't worry, Mom, I don't think about that anymore.)

Within the last few years, I started thinking about asking Mom's permission to write about her experiences and my reaction to them. I always shelved the idea because I felt that it wasn't my story to tell. Last year, the topic came up in conversation, and I finally asked permission; she said yes immediately. I double-checked her consent twice this year, and she said yes both times. Still, I was hesitant, and I only got around to it now -- for Mother's Day. I also asked her to review this piece, and to feel free to veto anything within it.

I am doing my best not to co-opt or appropriate my mother's story. But her story and her life have shaped mine, intimately -- including my views on gender issues, and my course as a feminist activist and writer. A few years ago, a widely-read *Harper's* article by established feminist Susan Faludi asserted that the relationship between younger feminists and older feminists is like a battle between girls and our moms. I read the article with interest, but also with a sense of displacement. As a teenager I fought with my mom all the time, but she and I rarely argue anymore, and we never argue about issues of feminism or sexuality at all. If "young" feminism is about rebelling against our mothers, then I missed that boat completely.

In fairness, my mom's not easy to rebel against. When I was 15, I asked her what she'd do if I ran off with a Hell's Angel. She laughed. "I'd probably be jealous," she said.

* * *

I started blogging in 2008 because I wanted to write about sexuality, particularly S&M. However, I identified myself as a feminist from the start, because I wanted to make it obvious that S&M and feminism are not mutually exclusive. The conflicts of feminism and S&M have been a major theme throughout the Feminist Sex Wars. I tend to repeat myself when I write about this, so I'll just mention my favorite quotation on the matter; it comes from the German radical feminist Alice Schwarzer, who said, "Female masochism is collaboration!"

When I came out of the closet to my mom, I had been freaking out about my S&M identity for a while -- but quietly. I told my parents about my sexuality because I wanted

to go into therapy, but I wanted a Kink Aware therapist who wouldn't shame me for my S&M preferences. The specific therapist I preferred was out-of-network for my health insurance, which meant I needed help paying for it. My dad was cool with it, but he didn't say much. My mother paused when I told her... and then she explained that S&M is part of her sexuality, too.

I was shocked. I was also incredibly relieved. If my brilliant, independent mother was into S&M, then suddenly I felt much more okay about being into it myself. It turned out that she had explored S&M late in life -- and she went through the same anxiety about feminism and S&M that I'd felt. "You're not giving up your liberation," she told me.

Mom also acknowledged the stereotype that S&M arises from abusive experiences. "I once worried that being raped made me into S&M," she said. "But I remember having S&M feelings in my childhood and early teens, long before I was raped. I was like this all along." When she said that, I caught my breath in recognition.

This is another topic I often repeat myself about, but that's because it's important. As it happens, the biggest and best-designed study on S&M found that there is no correlation between abusive experiences and being into S&M. There's also plenty of anecdotal evidence within the S&M community that a lot of S&Mers, though not all, feel our S&M identities to be innate (sometimes described as an "orientation"). This is not to say that there's anything wrong with understanding or processing abuse through consensual S&M. The psychologist Peggy Kleinplatz once published a scholarly article called "Learning From Extraordinary Lovers: Lessons From The Edge," which discusses how therapists can help their clients by studying alternative sexualities. Kleinplatz included a case study of a couple whose S&M experiences helped them process their histories of abuse. However, abusive experiences should not be seen as the usual "creator" of S&M desires. (For more on this, check out my article on S&M and the psychiatric establishment.)

The stereotype that S&M "comes from" abuse is another reason I worried about writing this article. Basically, this is a prettily-wrapped gift to Internet commentators who enjoy writing posts or hate mail about how fucked up I am, or about how dysfunctional S&M is. I guess there's no help for that.

* * *

"I'm fascinated that you've adopted feminism so thoroughly," my mother told me once. "I never felt like I was into feminism like you are."

"What?" I said. "Are you serious?"

"Well, feminism shaped my life," she said. "I really had my consciousness raised by some of my experiences. Not just being raped, but by other things, like seeing the anger and resentment among my mother and her sisters. Feminism helped me understand how women compete and put each other down because we're put in that position by men who have power over us. Sometimes, we're like animals who have been starved into fighting for scraps.

"But," my mother continued, "I've never been sure about calling myself a feminist. There have always been a lot of feminist areas I didn't feel welcome. Your dad was a card-

carrying member of the National Organization for Women when I met him, and I refused to join. We used to joke about it. And you remember that recent article about the history of *Ms. Magazine* you emailed me? In the article, Gloria Steinem says that anyone could have walked into the *Ms.* office in the 1970s and gotten a job. But I certainly never felt like I could do that. I was actually living in New York when *Ms.* started, and I was even working in publishing... but I grew up on a farm in the midwest, and I wasn't like the women who ran *Ms.* They felt like a club."

My upbringing has not been like my mother's. I grew up with a lot more privilege; my mother used to call me a spoiled "princess" when she was angry, and one of my ex-boyfriends used to tease me by calling me "East Coast Intellectual." Yet in a lot of ways, it took me a while to get into feminism, too. Gender issues have always been a strand of my thinking, but plenty of feminist discourse never impressed me. In university, I felt like everything I heard from feminism was a tortured conspiracy theory. And although I identified as "feminist" from the very beginning of blogging, it was out of a sense of resistance rather than feeling included. I felt like: *Goddamnit, I will* ***show you*** *that I can be an independent and rational woman who values voting and abortion rights and equal opportunity and consent -- and be into S&M at the same damn time.*

As I kept writing, I was looking at other blogs about gender and sexuality, too. The ones whose analysis really spoke to me were usually feminist blogs. And those were also, often, the bloggers who noticed me in return. My work was highlighted by a number of feminist writers who wanted to raise my profile. Talking to them, I began to understand some sophisticated critiques that I'd previously labeled "conspiracy theories." I expanded my understanding of topics like rape culture, as well as "tangential" social justice issues like race and class. My mother said to me, long afterwards: "Feminism really reached out and grabbed you, didn't it."

In 2011, I heard from a feminist friend about organizations that train volunteer advocates for rape survivors. In Chicago and many other cities, when people who have been raped go to the emergency room, the hospital will ask if they want an advocate. The advocate's role is to provide immediate crisis counseling and to help the survivor deal with complexities of the medical and legal system. The minute I heard about advocacy, I knew I wanted to do it.

In 1970, my mother didn't have an advocate, for the simple reason that advocates did not yet exist. Rape Trauma Syndrome was first recognized by feminists in the 1970s, and assault advocacy was developed by feminists during that time as well.

I told Mom all about the advocacy curriculum while I was completing it, and she drank up every detail. "I never got support like that," she said. "My boyfriend insisted that we go to the emergency room, and I guess he tried to advocate for me, but the doctors and nurses ignored me for 20 hours and then sent me home. It was worse that the nurses did. If sisterhood was powerful, then couldn't they reach out to me somehow?" (Rape survivors -- at least in Illinois -- are now prioritized in emergency rooms, second only to life-and-death situations.)

Mom often regales me with tales about how things used to be. For example, when she became editor of her college newspaper in the 1960s, all the dudes on staff quit because

they wouldn't work under a woman. (Some returned later, rather sheepishly.) Other favorites have to do with menstruation. It turns out that back in the day, doctors – who were of course always male -- simply refused to accept the existence of PMS. Apparently, it was accepted among doctors that a woman who felt cramps while menstruating was "making it up." (Female nurses who attempted to describe the actual feeling were ignored.) It was understood that a woman who felt unusually emotional or even in physical pain while menstruating was just being moody and hysterical. (You know how women are!) As more women became doctors and feminism gained traction and science advanced with a broader perspective and scientists discovered the actual physical causes of cramps, PMS became recognized as a real thing. Cramps were no longer "typical female hysteria."

Which, of course, makes it all the more ironic that PMS is now often used as an excuse to discount women as hysterical. It makes me laugh, in my cynical way.

It's kind of astonishing that a woman like my mother would disclaim a strong connection with feminism. And yet she does.

* * *

This year I had my first Full-On Internet Feminist Scandal, during which I received hate mail and hate comments from other feminists. (I name the event in capital letters because email from other feminists, some of whom I don't even know, has told me that if you stick with Internet Feminism long enough, it's basically inevitable that you obtain one of these.) The worst of it fell on a holiday when I was visiting my mother. Mom was helping out at church, and wanted me to attend the sermon. I sobbed for hours before leaving home; I managed to make it to church, but I was such a wreck when I got there that she put me in a back room so I could be alone to cry.

To be clear, I definitely think that I've screwed up on some social justice issues in the past, and I'm sure that I will in the future. I am doing my best to keep myself honest and work on the areas where I've been called out. That's a crucial part of social justice work, and it's one I try to take seriously.

But I have to tell you, the piece I wrote that drew the biggest backlash was one that my mother loved. (In the interests of accountability, I'll say that I do think a lot of the critiques are valid and important, like this one for example -- and, for those in the audience who are familiar with feminist call-out culture, I recommend a couple insightful comments from a brilliant *Feministe* commenter named saurus.) When I wrote the initial draft, I felt so uncertain that I asked Mom to review it, and she said: "I think this is one of the best things you've ever written." Yet one key factor in many of these critiques is that I failed to make enough space for rape survivors. I plan to write differently about the topic in the future, but there's real irony in the fact that the most important rape survivor in my life believes that one of my best pieces is the same one that got me hate mail for failing rape survivors. (Of course, I also received incredibly personal comments about my sex life. The Feminist Sex Wars ain't over yet.)

Mom and I discussed it later, of course. She read some of the commentary online, and she came back shaking her head. "The things some feminists are saying about you really

floored me," she said. "But I'm not completely surprised. Feminism has always been one of those movements that eats its young. That's one reason I never identified with it. I think there are a lot of people my age who started out living feminist lives, who now wouldn't be caught dead calling themselves feminist. Women who had careers, who raised sensitive, loving sons and strong daughters... who find the baggage of the 'feminist' label distasteful."

I've thought a lot about my mother's comment that feminism "eats its young." One 2009 *New Yorker* article about feminism by Ariel Levy offered an interesting analysis of feminist divisions, but included one offhand claim that isn't explained or justified: "Revolutions are supposed to devour their young." Is that so? Nobody told me. (Perhaps ironically, Levy presents this claim while stating that feminism has actually turned against its elders.)

Some commentators have told me that if I can't take the heat, then I just shouldn't write about feminism. It hurts to think it, but maybe they're right. Somehow, the idea of being "a good feminist" has become utterly tangled up in my identity. It's a weak spot and a sore spot, in a way that I didn't anticipate and don't fully understand. I find social justice criticism to be nourishing when it's generous and constructive, sometimes even when it's aggressive -- but sometimes it feels so incredibly destructive. But as I said, I'm not at all the only feminist writer who feels that the community can be internally destructive. How much of the problem is the vitriol within some critiques, and how much is that feminism has become "who we are" rather than "something we do"?

I think we can all agree that it's good to call out other people when they're screwing up -- but there has to be a way for us to build a movement without eating our young. Yet from what my mother tells me, we've never been good at that.

On the bright side, I don't have to engage politically with feminism in order to be a feminist, or volunteer for feminist causes, or do feminist work. And it helps to understand that I don't have to be "a good feminist" for my mother to be proud of me. (My dad's another matter.)

* * *

During one of our recent conversations, I confirmed again with my mother that I had permission to write about her experience. Then I asked her if she's out of the closet as a rape survivor.

"I don't know," she said thoughtfully. "I guess so. I don't really think about it. I'm happy with my life now." She paused and drank her tea for a moment. "I don't think of myself as a rape survivor anymore," she added. "By 1980, ten years after the attack, I really thought I was emerging from the cave. And I was, but I was still metaphorically covered in dirt and cobwebs, with grit in my mouth. In the first few years I was with your dad -- the early 1980s -- I had residual fears. I had become frightened by subways, elevators, and surprise noises, and he helped me work my way through those very effectively. By 25 years, it was simply no longer a part of my current self. I'd say I am wiser and stronger for it, but I think an experience so shocking is a lousy way to build character. And a waste of time! I lost too many years. I hope that things like victim advocacy saves

people."

I'm glad that my mother feels good about life today, and I myself don't have the urge to track those guys down and rend them limb from limb. (Much.) Yet I wonder if the men who attacked her ever think about what they did. I wonder if the ex-boyfriend ever understood how thoroughly he brutalized someone he claimed to love, or how male privilege played a role in his actions. These days, I write a lot about masculinity, and I try to understand men's perspective on gender issues. Writing about men and gender is tricky territory, though. What if I end up shoring up the entitlement that led that those assholes to attack my mom?

Mom told me that she Googled her rapist ex-boyfriend. He has three daughters. She wonders whether he ever thinks about it, too.

Naturally, I also think a lot about feminism, and how we can make it both effective and welcoming. What does it mean when people call it a movement that "eats its young"? What does it mean that feminism has become so tied up in identity? What does it mean when a rape survivor who had a career and raised a feminist daughter won't call herself a feminist? What does it mean that taking on the "feminist" label means taking on a host of other associations -- associations that even women like my mother are unwilling to accept?

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This can be found on the Internet at:

http://clarissethorn.com/blog/2012/05/25/my-moms-rape-story-and-a-confused-relationship-with-feminism/

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Section 3 Study Guide

Having established the building blocks of Section 1, and the extra perspectives of Section 2, this section was intended to pull together some seriously multi-layered syntheses.

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1. Is it hard to relate BDSM theory and practice to feminism or anti-rape activism? If so, then how is it hard? If not, then why do some people believe that there are difficulties?

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2. Which issues of sexuality do you feel clear about, and which do you feel foggy or uncertain about? How and why?

2a. Do you have a sense of what makes you feel strong and centered in your sexuality and relationships? If so, how do you go about establishing those factors in your life?

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3. Did you have a particularly hostile or excited reaction to any of these pieces? If so, why?

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4. Are there any binaries or bright lines that you're questioning as a result of reading these pieces?

4a. Could questioning those divisions have an impact upon your identity, or upon the way you act towards others?

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5. What are the overarching patterns that you see within the pieces in this section? How are these disparate topics relevant to each other?

5a. Does this stuff really have to be so complicated?

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About The Author

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Clarisse Thorn is a feminist, sex-positive educator who has delivered sex-related lectures and workshops to a variety of audiences, including New York's Museum of Sex, San Francisco's Center for Sex & Culture, and universities across the USA. She created and curated the original Sex+++ sex-positive documentary film series at Chicago's historic feminist site, Jane Addams Hull-House Museum. She has also volunteered as an archivist, curator and fundraiser for that venerable S&M institution, the Leather Archives & Museum. In 2010, Clarisse returned from working on HIV mitigation in sub-Saharan Africa. Her writing has appeared across the Internet in many many places. She blogs about feminist sexuality with a focus on S&M at clarissethorn.com, and tweets @clarissethorn.

Handy links for connecting with Clarisse:

Blog: http://clarissethorn.com/blog

Twitter: http://twitter.com/ClarisseThorn

Facebook: http://www.facebook.com/clarisse.thorn

Find other Smashwords books by Clarisse:
https://www.smashwords.com/profile/view/clarissethorn

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Also check out Clarisse's awesome book

Confessions of a Pickup Artist Chaser!

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There's a huge subculture of men who trade tips, tricks, and tactics for seducing women. Clarisse Thorn, a feminist S&M writer and activist, spent years researching these guys. She observed their discussions, watched them in action, and learned their strategies. By the end, she'd given a lecture at a seduction convention. This is her story -- and her theories about feminism and seduction to boot.

https://www.smashwords.com/books/view/144451

In paperback: https://www.createspace.com/3830583

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Clarisse's Lectures, Workshops and Events

Thank you so much for reading my work. Now for the hustle!

I'm not just a writer -- I also give lectures and workshops, and organize events. Here's a short list of some of the lectures, workshops and events I offer. I'm available by email at clarisse.thorn@gmail.com, if you'd like to bring me in.

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* **Confessions of a Pickup Artist Chaser.** There's a whole subculture out there devoted to teaching men how to seduce women. Over the last few years, these underground "pickup artists" have slowly surfaced into the popular consciousness, with the help of bestselling books like Neil Strauss's *The Game* and hit reality shows like VH1's *The Pick-Up Artist.* I spent two years doing on-and-off research into these Casanovas. In this lecture I discuss my experiences talking to pickup artists, learning their techniques, understanding their community frameworks and norms, and eventually giving them tips on how to seduce women... all of which culminated in my book, *Confessions of a Pickup Artist Chaser: Long Interviews With Hideous Men*. This presentation was originally created for a lunchtime talk at the Center for Gender Studies at the University of Chicago, and I can deliver it in 90 minutes or less.

* **Leadership in the Bedroom: A Sexual Communication Workshop.** Down-to-earth tips and ideas on how to communicate clearly about sex. This workshop was originally requested by the University of Illinois at Chicago, but I've given versions of it at other venues as well. It was one of the first workshops I ever designed, and I'm currently working on streamlining it and making it more interactive. I can do it in an hour, but it's really better with two hours.

* **BDSM Overview.** Imagery deriving from bondage, discipline, dominance, submission, and sadomasochism (BDSM) is becoming commonplace -- and we all know (or think we know) what a dominatrix is -- but most people don't have much idea of what BDSM

actually involves. Although it is increasingly accepted as an alternative sexual orientation, BDSM remains surrounded by stigma, scandal and occasional legal action. This presentation covers the basics of BDSM (however, it's not a how-to lecture -- you aren't going to learn how to use a whip, though you'll learn where to go to find out!). I prefer to poll the audience to see what they want to cover on top of that -- BDSM history? cultural landmarks? BDSM & feminism? legal issues? I've got it all! I have given this lecture more than any other. It can be squished into an hour, but I prefer two hours.

* **Sex-Positivity for Everyone! Including the Mens!** What is masculinity or male advocacy as a movement, and how is it in dialogue with contemporary feminism? Can it be incorporated into feminism, or can the values of the sex-positive feminist community speak to its concerns? What does positive, productive talk about masculinity sound like? I talk about all this in a short lecturette and then facilitate small discussions on kinky male sexuality, men in the pickup artist community, and men who buy sex. This workshop was originally requested by the University of Chicago, and based on feedback from that experience and others, I have been adapting it. It should take about 90 minutes.

* **The Sex+++ Film Series at Jane Addams Hull-House Museum and related film screenings.** I have now overseen many many screenings of sex-positive documentaries, and facilitated followup discussions afterwards. In the past I have done this primarily to accomplish my own activist educational goals or to raise funds for deserving institutions, but I'd be happy to run a screening or two upon request. Please note, however, that I don't own the rights to all the films I've screened, and so if you want me to run a screening for you, you may need to budget extra in order to cover the rights. I started the Sex+++ Film Series at Chicago's Jane Addams Hull-House Museum, and as I write this in 2012, the film series is in its fourth year. You can look at the film series calendar here: http://clarissethorn.com/blog/2011/03/17/the-sex-positive-documentary-film-list-2011-2012/

I would certainly be willing to design a new workshop or lecture upon request -- in fact, two of the above events were created at the request of the institutions that invited me.

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Footnotes

All these links were last checked in early 2012.

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Section 1: The Basics

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S&M: **Love Bites: An S&M Coming-Out Story**

1. Kink Aware Professionals: https://ncsfreedom.org/resources/kink-aware-professionals-directory/kap-directory-homepage.html -- [back]

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Education: **Liberal, Sex-Positive Sex Education: What's Missing**

1. The Unitarian Universalist Our Whole Lives curriculum: http://www.uua.org/re/owl/ -- [back]

2. *New Yorker* review of the new *Joy of Sex:* http://www.newyorker.com/arts/critics/books/2009/01/05/090105crbo_books_levy -- [back]

3. Synopsis of conservative book *Modern Sex:* http://www.manhattan-institute.org/modern/ -- [back]

4. Cuddle parties: http://current.com/shows/max-and-jason-still-up/89557966_first-time-cuddle-party.htm -- [back]

5. Scarleteen's sexual inventory checklist: http://www.scarleteen.com/article/advice/yes_no_maybe_so_a_sexual_inventory_stocklist -- [back]

6. *Yes Means Yes* blog on how affirmative communication combats rape: http://yesmeansyesblog.wordpress.com/2009/01/16/the-words-that-come-after-i-want/ -- [back]

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Communication: **Sex Communication Tactic Derived From S&M: Checklists**

1. Example of a BDSM checklist: http://www.thebrc.net/check_list/default.htm -- [back]

2. Scarleteen's sex checklist: http://www.scarleteen.com/article/advice/yes_no_maybe_so_a_sexual_inventory_stocklist -- [back]

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Communication: **Sex Communication Tactic Derived From S&M: Journal-Keeping**

1. Submissive journaling prompts: http://bdsm-sexperts.blogspot.com/2010/07/submissive-journaling-prompts.html -- [back]

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Communication: **Sex Communication Case Studies**

1. The previous post about a really problematic relationship: http://clarissethorn.com/blog/2011/03/01/storytime-how-my-life-wasnt-always-happy-fun-boundaries-are-perfect-land/ -- [back]

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Feminism: **Towards My Personal Sex-Positive Feminist 101**

1. An excellent definition and discussion of the word "cisgendered," by trans activist

Asher Bauer: http://carnalnation.com/content/49458/1067/word-day-cis -- [back]

2. Analysis of the "virgin" shoot at Kink.com: http://missmaggiemayhem.com/2011/01/12/virginity/ -- [back]

3. Most women don't achieve orgasm through penis-in-vagina sex alone: http://www.scarleteen.com/article/advice/i_cant_orgasm_from_intercourse_and_its_ruining_my_relationship -- [back]

4. Asexual writer discusses sex-positive feminism: http://www.feministe.us/blog/archives/2012/02/07/an-asexual-map-for-sex-positive-feminism/ -- [back]

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S&M: **S&M Superpowers**

1. Study demonstrates that BDSM desires do not arise from abuse: http://www.news.com.au/top-stories/bondage-lovers-normal-maybe-even-happier/story-e6frfkp9-1111117296864 -- [back]

2. A post of mine on nonsensical stigma, in the context of whore stigma: http://clarissethorn.com/blog/2010/12/17/whore-stigma-makes-no-sense/ -- [back]

3. Psychology paper "Learning from Extraordinary Lovers" by Peggy Kleinplatz: http://www.ncbi.nlm.nih.gov/pubmed/16803770 -- [back]

4. Study finds that consensual S&M increases intimacy: http://www.ncbi.nlm.nih.gov/pubmed/18563549 -- [back]

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S&M: **BDSM Can Be "Love Sex" Too**

1. Rachel Rabbit White's "Lady Porn Day": http://rachelrabbitwhite.com/ladypornday/ -- [back]

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S&M: **Body Chemistry and S&M**

1. Awesome page on aftercare: http://www.leathernroses.com/generalbdsm/chrismaftercare.htm -- [back]

2. EduKink is a pair of San Francisco S&M educators: http://www.edukink.org/ -- [back]

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Orgasmic "Dysfunction": **A Unified Theory of Orgasm**

1. A tactic called "gaslighting" is a common one used by emotional abusers: http://www.feministe.us/blog/archives/2011/11/21/one-abuse-script-with-many-faces/ -- [back]

2. Kink Aware Professionals: https://ncsfreedom.org/resources/kink-aware-professionals-

directory/kap-directory-homepage.html -- [back]

3. Betty Dodson's video "Did I Orgasm?": http://www.youtube.com/v/rkCihT1mkmc -- [back]

4. Our definitions of orgasm are fairly narrow: http://sexuality.about.com/od/anatomyresponse/a/what_is_orgasm.htm -- [back]

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Boundaries: **Orgasms Aren't My Favorite Part Of Sex, and My Chastity Urge**

1. Deliberately limiting orgasms for a more amorous relationship: http://goodmenproject.com/featured-content/too-many-orgasms/ -- [back]

2. Scarleteen discusses women and "squirting" orgasms: http://www.scarleteen.com/article/advice/squirt_on_female_ejaculation -- [back]

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Evolution: **Sexual Openness: Two Ways To Encourage It**

1. Comstock Films makes documentaries about real couples and how they have sex: http://comstockfilms.com/ -- [back]

2. CineKink, "the really alternative film festival": http://cinekink.com -- [back]

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Relationships: **Fear, Loathing, and S&M Sluthood in San Francisco**

1. My blog post "There It Is": http://clarissethorn.wordpress.com/2010/10/28/litquote-storytime-there-it-is/ -- [back]

2. The Sutro Baths, extraordinary ruins in San Francisco: http://www.flickr.com/photos/vicster/2816355231/in/set-72157607093679758/ -- [back]

3. A blog post I wrote on the perils of vanilla-but-questioning dudes: http://clarissethorn.wordpress.com/2010/11/05/bdsm-vs-vanilla-part-1-why-i-pretend-i-dont-date-vanilla-but-questioning-men/ -- [back]

4. The "lost" 21st chapter of *A Clockwork Orange:* http://www.visual-memory.co.uk/amk/doc/0062.html -- [back]

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S&M: **BDSM As A Sexual Orientation, and Complications of the Orientation Model**

1. BDSM-phobic thread on a radical feminist blog: http://rageagainstthemanchine.com/2009/02/07/please-somebody-come-and-defend-kinkcom/ -- [back]

2. BDSM-related discrimination case and orientation notes from Charles Moser: http://www.xtra.ca/public/Vancouver/BDSM_lifestyler_unfit_to_drive_a_limo_police-6577.aspx -- [back]

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S&M: **BDSM "versus" Sex**

1. Definition of "prostitution" shifts and NYC dominatrixes are arrested: http://sexinthepublicsquare.org/ElizabethsBlog/ncsf-statement-on-pro-dom-work-and-prostitution-statutes -- [back]

2. Marty Klein's "Is There Such A Thing As Kinky Sex?": http://www.sexualintelligence.org/newsletters/issue128.html - three -- [back]

3. maymay on "kinky" not being limited to BDSM: http://maybemaimed.com/2010/10/05/honor-thy-language-kinky-is-an-adjective-not-an-activity/ -- [back]

4. Quasi-conservative organization Taken In Hand: http://www.takeninhand.com/ -- [back]

5. Comment from saurus: http://www.feministe.us/blog/archives/2011/10/09/bdsm-versus-sex-part-1-divide-and-conquer/ - comment-397105 -- [back]

6. *Feministe* post on the "violent sex" article: http://www.feministe.us/blog/archives/2011/07/12/violent-sex-writer-compromises-safety-of-rape-survivor/ -- [back]

7. Comment from Jadey: http://www.feministe.us/blog/archives/2011/06/27/the-best-most-disturbing-thing-you-will-read-today/ - comment-373440 -- [back]

8. Mac McClelland's "Violent Sex" article: http://www.good.is/post/how-violent-sex-helped-ease-my-ptsd/ -- [back]

9. My old post "Casual Sex? Casual Kink?": http://clarissethorn.com/blog/2008/12/26/casual-sex-casual-kink/ -- [back]

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S&M: **BDSM Roles, "Topping From The Bottom," and "Service Top"**

1. Thomas MacAulay Millar on "Domism": http://yesmeansyesblog.wordpress.com/2011/05/02/domism-role-essentialism-and-sexism-intersectionality-in-the-bdsm-scene/ -- [back]

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S&M: **"Inherent Female Submission": The Wrong Question**

1. The *Topologies* blog features three dominant female contributors: http://topologies.wordpress.com/2009/11/07/shifting-the-discourse-on-female-dominance/ -- [back]

2. Research on proportion of submissive BDSM women: http://kinkresearch.blogspot.com/2009/10/sex-role-ratio.html -- [back]

3. The female dominant blogger Bitchy Jones is pissed:

http://bitchyjones.wordpress.com/2009/03/14/bondage-awards-not-actually-sexist-on-purpose/ -- [back]

4. The male submissive blogger maymay is pissed: http://maybemaimed.com/2007/08/04/what-sexuality-might-taste-like-if-you-were-a-submissive-man-in-2007/ -- [back]

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Manliness: ***Fifty Shades of Grey, Fight Club,* and the Complications of Male Dominance**

1. The sex writer Violet Blue offers some hilarious *Fifty Shades* commentary and linkfarming: http://www.tinynibbles.com/blogarchives/2012/04/fifty-shades-of-linkbait.html The writer A.V. Flox also did a really great analysis of how badly *Fifty Shades* deals with S&M: http://www.blogher.com/troubling-message-fifty-shades-grey -- [back]

2. Pepper Mint's blog: http://freaksexual.wordpress.com/ -- [back]

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Abuse: **The Alt Sex Anti-Abuse Dream Team**

1. The post on SM-Feminist about the prevalence of abuse in the community: http://sm-feminist.blogspot.com/2007/11/wut-about-abuuuuuuuuuzers.html -- [back]

2. A post on SM-Feminist about an abuse survivor who learned to set boundaries and protect herself through BDSM: http://sm-feminist.blogspot.com/2008/01/not-your-usual-bdsm-and-abuse-story.html -- [back]

3. Thomas MacAulay Millar's article "Not What We Do": http://yesmeansyesblog.wordpress.com/2010/09/21/not-what-we-do/ -- [back]

4. Front image of a pamphlet about abuse in BDSM: http://www.flickr.com/photos/35620214@N02/3488055736/ -- Back image of same pamphlet: http://www.flickr.com/photos/35620214@N02/3487239893/ -- [back]

5. Statement on BDSM and abuse from the Leather Leadership Conference: http://www.leatherleadership.org/library/diffsmabuse.htm -- Statement on BDSM and abuse from the Lesbian Sex Mafia: http://lesbiansexmafia.org/lsmnyc/bdsm-is-not-abuse/ -- [back]

6. Kink Aware Professionals: https://ncsfreedom.org/resources/kink-aware-professionals-directory/kap-directory-homepage.html -- [back]

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Section 2: Activism and Allies

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Activism: **Grassroots Organizing For Feminism, S&M, HIV, and Everything Else**

1. Bitch Magazine's Feminist Coming-Out Day Blog Carnival:

http://bitchmagazine.org/post/feminist-coming-out-day-blog-carnival -- [back]

2. My sex-positive documentary film series: http://clarissethorn.com/blog/2011/03/17/the-sex-positive-documentary-film-list-2011-2012/ -- [back]

3. Pamphlet on making a group egalitarian but well-organized: http://struggle.ws/hist_texts/structurelessness.html -- [back]

4. Chicago's Rape Victim Advocates: http://www.rapevictimadvocates.org/ -- [back]

5. Kink Aware Professionals: https://ncsfreedom.org/resources/kink-aware-professionals-directory/kap-directory-homepage.html -- [back]

6. My advice on activism in Africa: http://clarissethorn.com/blog/2010/01/31/clarisses-advice-column-arises-again-masculinity-african-activism/ -- [back]

7. An general overview I wrote of housing co-ops: http://www.rolereboot.org/sex-and-relationships/details/2012-04-housing-co-ops-arent-just-for-hippies -- [back]

8. North American Students of Cooperation: http://nasco.coop/ -- [back]

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Activism: **Interview with Richard Berkowitz, Star of *Sex Positive* and Icon of Safer Sex Activism**

1. My original review of the film: http://clarissethorn.com/blog/2009/02/11/sex-positive-documentary-report-2-sex-positive/ -- [back]

2. Gay Male SM Activists was one of the first S&M advocacy organizations ever: http://www.gmsma.org/ -- [back]

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Abuse: **Social Responsibility Within Activism**

1. Problems of prisons: http://www.newyorker.com/arts/critics/atlarge/2012/01/30/120130crat_atlarge_gopnik?currentPage=all -- [back]

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Masculinity: **Questions I Want To Ask Entitled Cis Het Men**

1. Thomas MacAulay Millar on masculinity: http://yesmeansyesblog.wordpress.com/2009/05/27/things-cis-het-men-are-afraid-to-talk-about/ -- [back]

2. "Precarious Manhood" paper: Vandello et al. "Precarious Manhood." *Journal of Personality and Social Psychology,* Vol. 95, No. 6, 1325 – 1339. 2008. -- [back]

3. Men's Rights Activists: the "most discriminated against" quotation came from Kuster, Elizabeth. *Exorcising Your Ex.* Fireside, 1996. Also, long after the publication of my blog

posts, the politics website AlterNet did a profile of the MRA movement: http://www.alternet.org/teaparty/154617/Leader's_Suicide_Reveals_Frightening,_Violent,_Organized_Misogyny_Movement/?page=entire -- [back]

4. Sexism in BDSM: http://maybemaimed.com/2009/10/02/dont-you-fret-sexism-is-alive-and-well-in-bdsm/ -- [back]

5. Seriously, these posters are awesome: http://www.reachandteach.com/store/index.php?l=product_detail&p=50 -- [back]

6. Alienating men with Thomas MacAulay Millar: http://yesmeansyesblog.wordpress.com/2009/01/26/who-is-bidding-on-natalie-dylans-virginity -- [back]

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Education: **Sexual ABCs in Africa, Part 1: Abstinence**

1. Chris Hall's blog: http://literateperversions.com/ -- [back]

2. My archive of articles at CarnalNation: http://carnalnation.com/users/clarisse-thorn -- [back]

3. Unitarian sex education: http://www.uua.org/religiouseducation/curricula/ourwhole/ -- [back]

4. Another article on declining sexual satiation and how it can contribute to romantic feelings: http://www.marginalrevolution.com/marginalrevolution/2009/08/against-satiation.html -- [back]

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Education: **Sexual ABCs in Africa, Part 2: Be Faithful**

1. Helen Epstein's 2004 article "The Fidelity Fix": http://www.nytimes.com/2004/06/13/magazine/13AIDS.html -- [back]

2. 2007 *Washington Post* article on multiple partners in Botswana: http://www.washingtonpost.com/wp-dyn/content/article/2007/03/01/AR2007030101607.html -- [back]

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Education: **Sexual ABCs in Africa, Part 3: Condoms**

1. Religious educators saying that encouraging condom usage waters down their message: http://www.thinkingfaith.org/articles/20090325_1.htm -- [back]

2. Underprivileged populations "choosing" to contract HIV: Ticktin, Miriam. "Where Ethics and Politics Meet: The Violence of Humanitarianism in France." *American Ethnologist* volume 33, number 1, 2006. Ticktin herself cites an April 6, 2005 National Public Radio broadcast by Nicoli Nattrass, which outlined cases of people infecting themselves with HIV in southern Africa. For an especially haunting and personal account of deliberate self-infection, see also Sylvie C. Tourigny's "Some New Dying Trick:

African American Youths 'Choosing' HIV/AIDS." *Qualitative Health Research* volume 8, number 2, 1998. -- [back]

3. Helen Epstein's 2004 article "The Fidelity Fix": http://www.nytimes.com/2004/06/13/magazine/13AIDS.html -- [back]

4. Reasonable laws regulating sex work were being discussed in South Africa around the time of the World Cup: http://www.guardian.co.uk/world/2009/oct/11/legalise-world-cup-sex-trade -- [back]

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Activism: **Colonized Libidos**

1. Rest in peace, Pitseng Vilakati: http://carnalnation.com/content/44250/1133/rest-peace-pitseng-vilakati -- [back]

2. An argument that the places in Africa where homosexuality is most strongly punished are some of the best to actually be gay: http://chrisblattman.com/2010/03/10/is-uganda-a-good-place-to-be-gay/ -- [back]

3. An argument that much of Africa was less homophobic pre-Western influence: http://isnblog.ethz.ch/culture/gay-rights-–-and-wrongs-–-in-africa -- [back]

4. The Patriarchy allegedly made me kinky: http://sm-feminist.blogspot.com/2008/10/why-bdsm.html -- [back]

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Vegan: **Confections of a Pickup Artist Chaser**

1. Kinsey Hope's activist typology: http://genderbitch.wordpress.com/2009/10/03/a-m-o-communication/ -- [back]

2. Characterized as an "Appeaser" activist type, plus tactical discussion: http://www.amptoons.com/blog/2011/02/18/response-to-clarisse-thorns-backlash-2-nuke-and-appease-please-be-a-bothand-blogiverse/ -- [back]

3. Free vegan starter guide: http://www.veganoutreach.org/guide/ -- [back]

4. List of vegan cookbooks: http://vegan.com/cookbooks/ -- [back]

5. Things that happen to animals on factory farms: http://www.veganoutreach.org/whyvegan/ or this video: http://www.mercyforanimals.org/farm-to-fridge.aspx -- [back]

6. Vegan FAQ: http://vegan.com/articles/faq/ -- [back]

7. *Salon* article on "humane" farms: http://www.salon.com/2005/04/13/milk_3/ -- [back]

8. Oatmeal chocolate chip cookie recipe originally from: http://www.essortment.com/unbeatable-vegan-chocolate-chip-oatmeal-cookie-recipe-13043.html -- [back]

9. Frying tofu with a nice crust: http://www.tastehongkong.com/recipes/how-to-pan-fry-tofu-with-crust-is-simple/ -- [back]

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Polyamory: **In Praise of Monogamy**

1. Poly vs. swingers at *Polyamory In The News:* http://polyinthemedia.blogspot.com/2009/12/polys-vs-swingers-as-viewed-from-2010.html -- [back]

2. Polyamory relationship contract: http://www.scarletletters.com/current/021403_nf_rk.html -- [back]

3. Someone else's blog post on managing New Relationship Energy in polyamory: http://www.adrienneparker.com/2010/07/nre-in-polyamorous-relationships.html -- [back]

4. How choosing no orgasms can increase couple bonding: http://goodmenproject.com/featured-content/too-many-orgasms/ -- [back]

5. 40% of young couples don't agree whether they're monogamous: http://www.charlieglickman.com/2011/02/new-research-young-couples-disagree-about-whether-theyre-monogamous/ -- [back]

6. The "slippery slope" argument against gay marriage: http://www.slate.com/articles/news_and_politics/jurisprudence/2004/05/slippery_slop.html -- [back]

7. Monogamous privilege checklist: http://www.eastportlandblog.com/2011/04/05/monogamous-privilege-checklist-by-cory-davis/ -- [back]

8. White privilege checklist: http://www.nymbp.org/reference/WhitePrivilege.pdf -- [back]

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Sex Work: **One Blurred Edge of Sex Work: Portrait of a Sugar Baby**

1. The SeekingArrangement blog post, "Sugar Baby and Sugar Daddy: The Modern Day Princess and Prince?": http://www.seekingarrangement.com/blog/?p=5456 -- [back]

2. 2009 New York Times Magazine article on SeekingArrangement: http://www.nytimes.com/2009/04/12/magazine/12sugardaddies-t.html?pagewanted=all -- [back]

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Sex Work: **A Sugar Baby Leaves The Business**

1. The SeekingArrangement blog post, "Sugar Baby and Sugar Daddy: The Modern Day Princess and Prince?": http://www.seekingarrangement.com/blog/?p=5456 -- [back]

2. The SeekingArrangement blog post, "Sugar Babies Do Fall In Love":

http://www.seekingarrangement.com/blog/?p=5561 -- [back]

3. Mistress Matisse on sex work and emotional labor: http://www.thestranger.com/seattle/Content?oid=26113 and also: http://mistressmatisse.blogspot.com/2011/01/im-expecting-bit-of-heat-from.html -- [back]

4. Tyler Knight on emotional difficulties as a porn star: http://tylerknight.com/2011/12/18/oneironaut-at-wrest/ -- [back]

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1. Infamous article "Marry Him: The Case For Settling For Mr. Good Enough": http://www.theatlantic.com/magazine/archive/2008/03/marry-him/6651/ -- [back]

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Evolution: **You Don't Always Know What You're Thinking**

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2. My old post "Am I Evolving Away From Monogamy?": http://clarissethorn.com/blog/2010/05/11/am-i-evolving-away-from-monogamy/ -- [back]

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Abuse: **Thinking More Clearly About BDSM versus Abuse**

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2. The origins of the Power and Control Wheel: http://www.theduluthmodel.org/training/wheels.html -- Image of the Power & Control Wheel: http://www.theduluthmodel.org/pdf/PowerandControl.pdf -- Text of that wheel, and other relevant wheels: http://www.dhs.state.il.us/page.aspx?item=38490 -- [back]

3. Image of the Equality Wheel: http://www.theduluthmodel.org/pdf/Equality.pdf -- [back]

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2. That awesome aftercare page again:

http://www.leathernroses.com/generalbdsm/chrismaftercare.htm -- [back]

3. FormerWildChild's comment on my post: http://www.feministe.us/blog/archives/2010/10/18/there-it-is/ - comment-332491 -- [back]

4. Paper on people who experience orgasm while assaulted: http://www.ncbi.nlm.nih.gov/pubmed/15261004 -- [back]

5. First-person account of orgasm during a rape: http://www.net-burst.net/hope/rape_orgasm.htm -- [back]

6. The cycle of abuse: http://www.uic.edu/depts/owa/cycle_of_violence.html -- [back]

7. Thomas's post on S&M mistakes: http://yesmeansyesblog.wordpress.com/2012/04/30/theres-a-war-on-part-5-wallowing-in-the-sl-op/ -- [back]

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2. A PUA internal critique by a dude named Chris. I cross-posted it to my blog, and it's also available as an appendix in my book *Confessions of a Pickup Artist Chaser:* http://clarissethorn.com/blog/2011/04/18/guest-post-detrimental-attitudes-of-the-pickup-artist-community/ -- [back]

3. "Neg" definition: http://www.sosuave.com/articles/neghits.htm -- [back]

4. Neil Strauss on negs: http://www.neilstrauss.com/neil/what-separates-a-winner-from-a-loser-is-2 -- [back]

5. Tyler Durden on negs: http://www.bristollair.com/2011/pua-seduction-methods/examining-different-pua-methods-pt-2/ -- [back]

6. This guy is a real asshole, and I dedicate most of a chapter in my book to explaining how wrong he is about everything. Roissy on negs: http://heartiste.wordpress.com/2011/09/26/the-subtle-art-of-the-insidious-neg/ -- [back]

7. "If it wasn't for the pussy, there would be a bounty on [women]": http://heartiste.wordpress.com/2011/08/07/what-are-you-thinking-about/ - comment-267855 -- [back]

8. Mark Manson on miserable PUA dudes: http://postmasculine.com/pickup-artist -- [back]

9. My interview with Neil Strauss: http://timeoutchicago.com/sex-dating/12914409/neil-strauss-interview -- [back]

10. Feminist asks Clarisse why she's being generous to Strauss, on a feminist thread deconstructing PUAs: http://www.feministe.us/blog/archives/2011/03/25/i-totally-interviewed-the-worlds-most-famous-pickup-artist/ - comment-357169 -- [back]

11. Anti-feminist doesn't like Strauss either: http://www.inmalafide.com/blog/2011/04/12/kill-your-game-idols-part-2-strauss-schwyzer-and-spengler/ -- [back]

12. History of *Ms. Magazine* includes the erasure of BDSM: http://nymag.com/print/?/news/features/ms-magazine-2011-11/ -- [back]

13. Jaclyn Friedman on how consent is not a lightswitch: http://www.amplifyyourvoice.org/u/Yes_Means_Yes/2010/11/9/Consent-Is-Not-A-Lightswitch -- [back]

14. *Salon* interview with Tracy Clark-Flory: http://www.salon.com/2011/10/30/a_sex_guide_for_todays_girls/singleton/ -- [back]

15. Discussion of forcing explicit communication on a feminist BDSM blog: http://pervocracy.blogspot.com/2011/07/how-to-not-be-creepy.html?showComment=1310928149621 - c6917844665418677680 -- [back]

16. Feminist site on sexual violence emphasizes non-verbal communication: http://www.uwyo.edu/stop/Get Educated/sexualviolence.html -- [back]

17. Feminist argues that "PUAs rape women": http://www.feministe.us/blog/archives/2011/03/25/i-totally-interviewed-the-worlds-most-famous-pickup-artist/ - comment-357951 -- [back]

18. PUA claims that "the first two 'no's don't mean much": http://thesocialsecrets.com/2009/04/5-easy-ways-to-over-come-lmr-last-minute-sexual-reservations/ -- [back]

19. David Shade on LMR: *The Secrets of Female Sexuality,* by David Shade. David Shade Corporation, 2007. -- [back]

20. Mark Manson advises respecting LMR: http://www.practicalpickup.com/the-cheerleader -- [back]

21. PUA Detox: http://www.practicalpickup.com/the-guide-to-a-pua-detox -- [back]

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1. An article I wrote about submissive skills, and their value: http://clarissethorn.com/blog/2012/01/16/submissive-skills/ -- [back]

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Feminism: **My Mom's Rape Story, and A Confused Relationship with Feminism**

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2. Study shows S&Mers not more likely to have experienced abuse: http://www.news.com.au/top-stories/bondage-lovers-normal-maybe-even-happier/story-e6frfkp9-1111117296864 -- [back]

3. Kleinplatz's paper on "Learning From Extraordinary Lovers": http://www.ncbi.nlm.nih.gov/pubmed/16803770 -- [back]

4. S&M and the psychiatric establishment: http://clarissethorn.com/blog/2012/05/07/the-psychology-of-sm/ -- [back]

5. History of *Ms. Magazine:* http://nymag.com/news/features/ms-magazine-2011-11/ -- [back]

6. Piece that drew backlash: http://clarissethorn.com/blog/2011/12/22/on-change-and-accountability/ -- [back]

7. Response piece to above: http://www.amptoons.com/blog/2011/12/28/on-change-and-accountability-a-response-to-clarisse-thorn/ -- [back]

8. Brilliant comments from saurus at *Feministe:* http://www.feministe.us/blog/archives/2011/10/17/call-out-culture-and-blogging-as-performance/ - comment-399410 and also: http://www.feministe.us/blog/archives/2011/12/31/on-change-and-accountability-a-response-to-clarisse-thorn/ - comment-424091 -- [back]

9. Ariel Levy's 2009 article on feminist divisions: http://www.newyorker.com/arts/critics/books/2009/11/16/091116crbo_books_levy?currentPage=all -- [back]

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Glossary

As I said in the introduction, I try to keep my writing as accessible as possible. One way I do that is by avoiding jargon and by using terms that I think most people will recognize. I often write "S&M" instead of "BDSM," for example; and when I'm using technical S&M language like "top" or "bottom" or "scene," I try to define the words as I go along. But sometimes I slip into jargon by accident. Also, plenty of S&M terms are super useful, and giving a quick overview of S&M language can go a long way towards describing S&M culture. Hence, this glossary. Many of the terms in the Glossary aren't terms that I used in this book, but you might find it useful or interesting anyway. (I also included a few terms that come from other subcultures, like polyamory or queer studies or feminism, because why not.)

* * *

aftercare (BDSM): A cool-down period after an S&M encounter, which often involves reassurance and a discussion of how things went. Aftercare is discussed a lot in this book, especially in "Aftercare or Brainwashing?" (part 3).

blaming the victim (feminism): The faulty assumption that an assault survivor caused or contributed to the assault.

bottom (BDSM): A blanket term for a *masochist* and/or *submissive.* Not everyone who is a *masochist* is *submissive,* and vice versa.

cisgendered (queer studies): A term that means "not transgendered." For example, Clarisse is a *cis* woman or a *cisgendered* woman. Here's an excellent essay by the trans activist Asher Bauer describing why the word *"cisgendered"* is important: http://carnalnation.com/content/49458/1067/word-day-cis

coming out (queer studies): Openly acknowledging one's sexual identity to oneself, one's parents, one's friends, and other parts of one's community.

dominant (BDSM): A person who enjoys being in charge during an S&M encounter.

dungeon (BDSM): *Dungeons* can often be split into two types: those owned and staffed by professionals, and those owned by people who are drawn to S&M for non-monetary reasons. There is occasionally overlap between the two groups, but often there's less overlap than one might think. Professional BDSM is frequently banned at non-professional *dungeons,* and non-professional *dungeons* are frequently non-profit organizations. Indeed, many non-professional *dungeons* could be described as "community centers" for BDSMers. They're basically centralized nodes for BDSM support, and they may host lectures, workshops, discussion groups, public parties, or other meetups.

enthusiastic consent (feminism): A standard for ethical sex whereby one is expected not just to have a consenting partner, but an enthusiastic and excited partner.

gender policing (feminism): Gender roles are defined by culture, and when a person steps outside their gender role, that person will often be *policed* or attacked by other members of the culture. For example, a USA man with long hair risks being mocked or beaten up.

hard limit (BDSM): A strong, negative BDSM preference that is discussed ahead of time. For example, a person who absolutely does not want to have anal sex would describe anal sex as a *hard limit.* See also: *soft limit.*

heteronormative (queer studies): A term used to describe the cultural expectations of "normal" heterosexual relationships. For example, the expectation that men are the ones to pursue women during romantic interactions is *heteronormative.*

kink (BDSM): A specific preference. For example, if Clarisse enjoys being whipped, then she has a *kink* for it. She could also say something like, "I *kink* on being whipped."

kinky (BDSM and others): A lot of BDSMers use *"kinky"* to mean "into BDSM." However, there are some people who use the term more broadly and include practices that aren't usually considered BDSM, such as *polyamory* or *swing.*

landmine (BDSM): An extremely sensitive psychological spot, sometimes hit accidentally during BDSM play. This is discussed further within this book, in "What Happens After An S&M Encounter 'Gone Wrong'" (part 3).

masochist (BDSM): A person who enjoys receiving pain.

New Relationship Energy (polyamory): The obsessive, irrational joy one feels after starting a relationship with a new and awesome partner. Here's an article about it: http://aphroweb.net/articles/nre.htm

out [of the closet] (queer studies): An adjective to describe a person who is open with people outside her sexual subculture about her sexual identity.

play (BDSM): A verb for having an S&M encounter. For example, if Clarisse was whipped by a gentleman, she might say that she "played with him." Clarisse once saw a display at the Leather Archives & Museum claiming that in Old Guard Leather Culture (i.e, gay men's S&M culture starting around the 1950s), the word was more often "work" than "play" -- apparently, even S&M toys were usually called "tools."

play party (BDSM): A party where S&M can happen openly. Some *play parties* ban sexual intercourse, while others don't.

polyamory: A community to support people who want to have multiple lovers and be honest with everyone involved. *Polyamory* usually focuses more on an emotional relationship than *swing,* but not always. The writer Franklin Veaux has a good Polyamory 101: http://www.xeromag.com/fvpoly.html And the blog *Polyamory In The News* has a good post on the various distinctions between polyamory and swing: http://polyinthemedia.blogspot.com/2009/12/polys-vs-swingers-as-viewed-from-2010.html

primary relationship (polyamory): A relationship with more commitment and expectations than other relationships. For example, a primary relationship might be one where the participants live together and/or are married. Polyamorists sometimes disagree about whether relationship hierarchies are desirable.

rape culture (feminism): A culture in which rape is prevalent and is maintained through fundamental attitudes and beliefs about gender, sexuality, and violence, including *rape myths*.

rape myths (feminism): Cultural ideas that make it harder to recognize, prosecute, and heal from rape. For example, many people believe that rape usually happens to young, "hot" women... but interviews with rapists show that they usually prioritize targets based on how vulnerable they are, rather than how "hot" they are.

sadist (BDSM): A person who enjoys inflicting pain.

safeword (BDSM): A word that any S&M participant can say at any time to stop the action. *Safewords* are extensively analyzed within this book, in the "The Annotated Safeword" (part 1).

scene; The Scene (BDSM): The word *scene* is often used to indicate an S&M encounter. For example, if Clarisse was whipped by some dude, she "had a *scene"* with him (or some would say that she *scened* with him). *The Scene* is also sometimes used to indicate the public S&M community -- the *dungeons,* workshops, lectures, discussion groups, and meetups that create an open network of BDSMers in many areas.

secondary relationship (polyamory): A relationship with less commitment and fewer expectations than other relationships. Polyamorists sometimes disagree about whether relationship hierarchies are desirable.

soft limit (BDSM): A weak, negative BDSM preference that is discussed ahead of time. For example, a person may strongly dislike anal sex, but be willing to have anal sex in certain contexts, like when he's really turned on; in that case, anal sex would be a *soft limit.* See also: *hard limit.*

squick (BDSM): A feeling of not wanting to participate in an act, without judging others for doing it. For example, if a BDSMer feels sick at the sight of blood yet doesn't want to express disgust towards blood fetishists, then she might describe herself as *squicked* by blood. The BDSM subculture generally places a high value on recognizing that one can be *squicked* by an act, without judging it.

submissive (BDSM): A person who enjoys receiving orders or otherwise accepting an experience defined by a partner.

swing: A community to support people who want to have sex with multiple people and be honest with everyone involved. Unlike *polyamorists,* swingers usually don't emphasize developing emotional connections in *secondary relationships,* but this isn't always true. Clarisse is less familiar with *swing* than *polyamory,* but some swingers emailed her this Swing 101: http://www.swingersboard.com/forums/faq.php?faq=swinger_faq And the blog *Polyamory In The News* has a good post on the various distinctions between polyamory and swing: http://polyinthemedia.blogspot.com/2009/12/polys-vs-swingers-as-viewed-from-2010.html

switch (BDSM): A person who feels comfortable in either the *top* or the *bottom* role.

top (BDSM): A blanket term for a *sadistic* and/or *dominant* partner. Not everyone who is *sadistic* is *dominant,* and vice versa.

vanilla (BDSM): A term to describe people who aren't into BDSM, or sexual acts that aren't perceived as BDSM. Some folks describe so-called "slightly BDSM" people or acts as *french vanilla.* Sometimes, non-BDSM people are offended by being described as *vanilla,* which Clarisse thinks is silly, but she often avoids the term anyway and says "not into S&M" instead.

ze (queer studies): A gender-neutral pronoun, also written as "xie." The possessive version is "zir" or "xir" or, sometimes, "hir."

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The Game: All Things Trump

Andres Serrano

"In the history of science the collector of specimens preceded the zoologist and followed the exponents of natural theology and magic..... However lowly, the work of the collector must be done, before he can proceed to the higher scientific tasks of classification, analysis, experiment and theory making."

Aldous Huxley from Heaven and Hell

Before Donald Trump was President, he was Donald Trump.

This is a portrait of that man.

In his first non-photography based installation, Andres Serrano takes us on a curious and insightful tour for a closer look at who Donald Trump is.

In a relatively short period of eight weeks with a determination and competitive ferocity worthy of its subject, the artist has amassed a collection of over 500 objects produced by or for Donald Trump.

The collection is telling and varies from objects as mundane as shirts, ties, suits, hats, jackets, ice buckets, Teddy Bears and miniature screwdriver sets made for Donald Trump, his brand, his casinos, his hotels, to Trump Tea, Trump Coffee, Trump Ice Water, Trump Coca-Cola, Trump 7-Up, Trump Snapple, and the more exotic $1,000 Trump Steaks ("The Best!"), Trump Vodka packed in 24 carat gold plated bottles, a Trump deodorant named "Success" and a Trump cologne called "Empire." In addition to the merchandise for Trump Plaza, Trump Harrah's Casino, Trump Marina, Trump Castle, Trump Tai Mahal, Trump University and Trump Shuttle there are casino chips, boxing invites, concert invites and many many more objects all bearing the name "Trump."

This colorful collection is mostly self-explanatory but the artist plans to present each object with a museum-like label not unlike in a curiosity cabinet or an anthropological study room.

Of particular interest are more than fifty magazines with Donald Trump on the cover. Although, most of the magazines are ten, twenty or more years old, there are some more recent ones including a copy of The Atlantic from June 2016 with the cover story, "The Mind Of Donald Trump," Time Magazine's issue "Deal with it" from August 21, 2015 and another Time Magazine dated March 14, 2016 with the words "bully, showman, party crasher and demagogue" written across Donald Trump's face.

All three magazines are signed by Donald Trump.

Also included are several high priced special edition items made for VIP's such as a beautiful Taj Mahal leather jacket and a Taj Mahal Golf Bag and Clubs as well as a 1994 Trump Castle Casino Birthday Invitation titled, "Trump, Lord Of The Financial Jungle."

The centerpiece of the installation is a sizable portrait of Donald Trump taken by Andres Serrano in 2004 for his "America" series and a giant rotating sculpture below it. The sculpture, which is more than 10 feet tall, is the word, EGO, spelled vertically, an elegant sign that once greeted visitors at the entrance of Trump's Taj Mahal Casino's Ego Lounge.

Finally, there are several board games including "Trump Monopoly," "The Apprentice Game" and "Trump: The Game."

The premise of "The Game" is stated on the box.

"It's not whether you win or lose, it's whether you win."

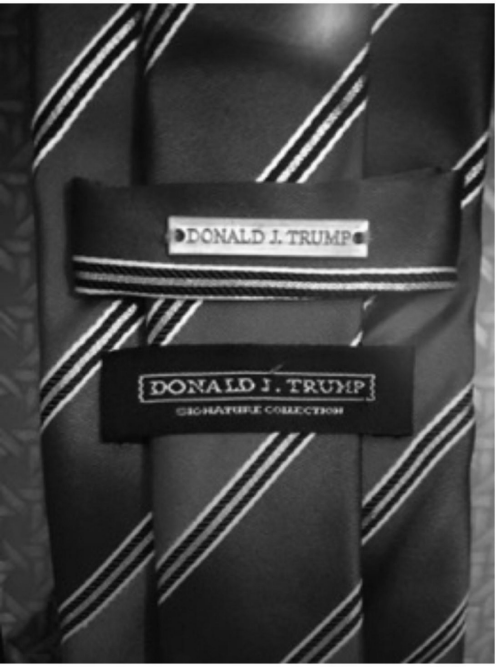
There are different versions of "The Game," including one in French, all to be laid out in several locations in the gallery under glass.

What kind of game was it, or is it? Who wins, and who loses?

That's for the audience to decide. The artist prefers to stay neutral.

"It's a portrait of a man painted with his own brushes," says Andres Serrano.

Donald Trump Signature Collection crest Striped 100% Silk Neck Ties



Donald Trump Signature Collection Dress Shirt

Trump Taj Mahal Sweatshirt

Trump International Hotel And Tower Las Vegas Hoodie

Trump Castle Jacket

1990 Trump Taj Mahal Leather Jacket.
Given to a select few when the casino opened. One of 200 made.

Trump Ice Water

Donald Trump - 20 Years in Atlantic City
2003, Coca-Cola Full 6 Pack

Trump Marina Casino Chip - FIRST LADY MELANIA, Atlantic City, NJ

Trump Marina Casino Chip - BIG BAD VOODOO DADDY - Atlantic City, NJ

Trump Plaza Casino Chip - BLESS OUR TROOPS - Atlantic City, NJ

Trump Taj Mahal Collectable Golf Bag White

Burton Tour Bag commemorating Trump Taj Mahal grand opening, April 1990. Comes with matching rain hood and head covers. Grand opening gift for VIP's.

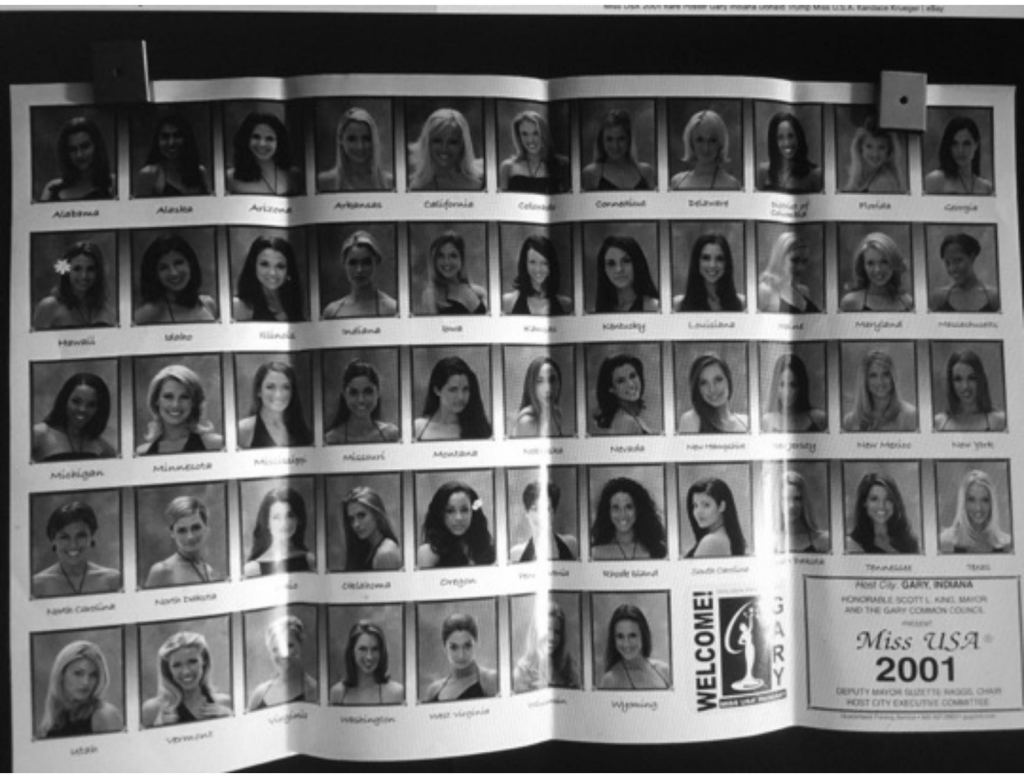
TRUMP STEAKS - "THE WORLD GREATEST STEAKS" 2007

Donald Trump registered "Trump Steaks" as a U.S. trademark in August 2006.[5] Trump Steaks were launched on May 8, 2007, exclusively through The Sharper Image catalog, stores, and website as part of a three-month trial period. Trump Steaks were only sold at The Sharper Image for two months before being discontinued.

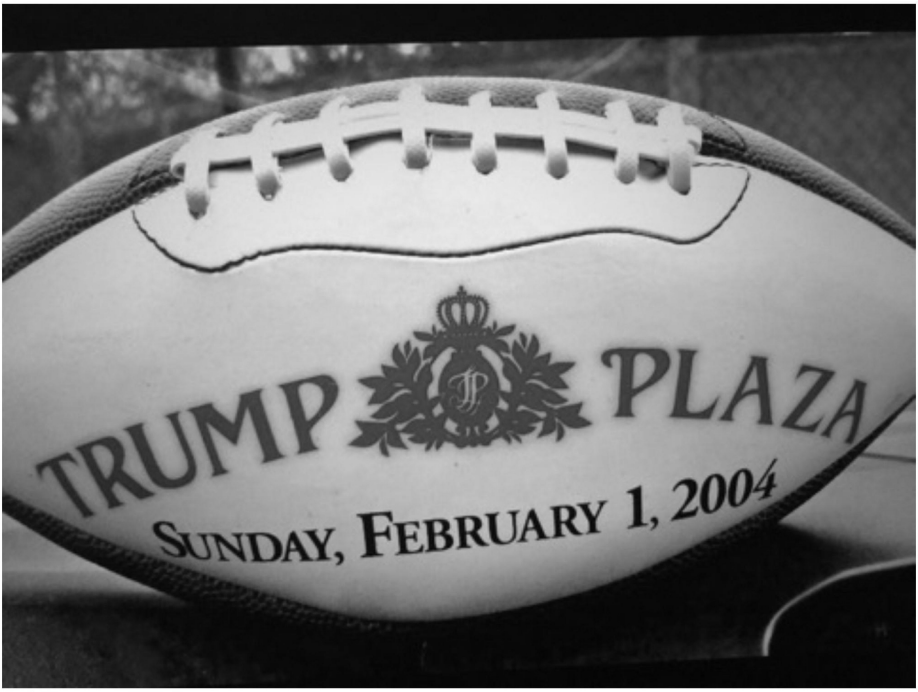
TRUMP STEAKS Brochure from The Sharper Image 2007

Miss USA 2001
Gary, Indiana

The Pageant was owned by Donald Trump from 1996 to 2015

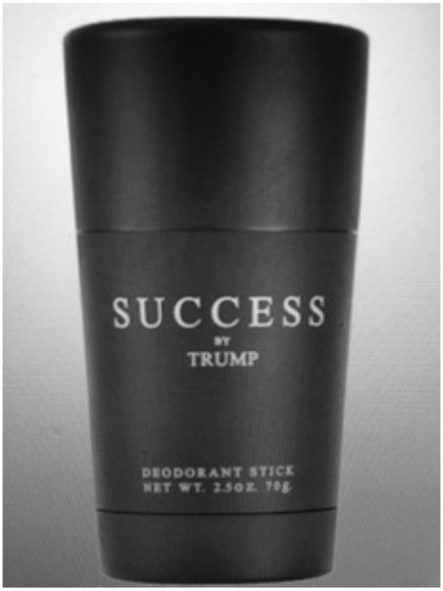


Trump Plaza Super Bowl Football
"Sunday, February 1, 2004"



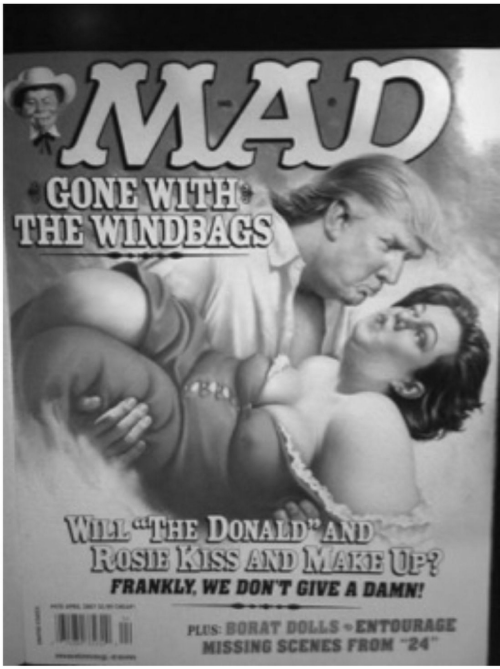
2006 Trump Vodka -750ml 24K Bottle

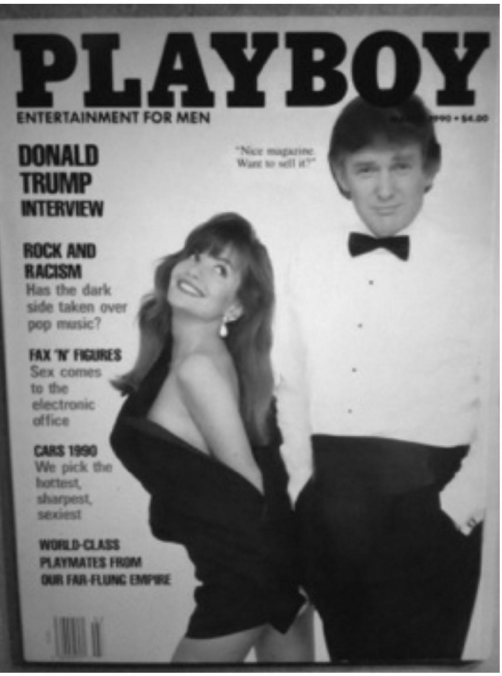
"Success" Deodorant Stick for Men by Donald Trump, 2.5 oz



Trump Plaza Casino - "Cash Money Tuxedo Teddy Bear"
1999

Crimestoppers' guide to those Dick Tracy villains
People weekly
POOR DONALD!
First a mid-life crisis, then public humiliation. Here's how the brash billionaire's longing for money, love and respect brought him crashing down

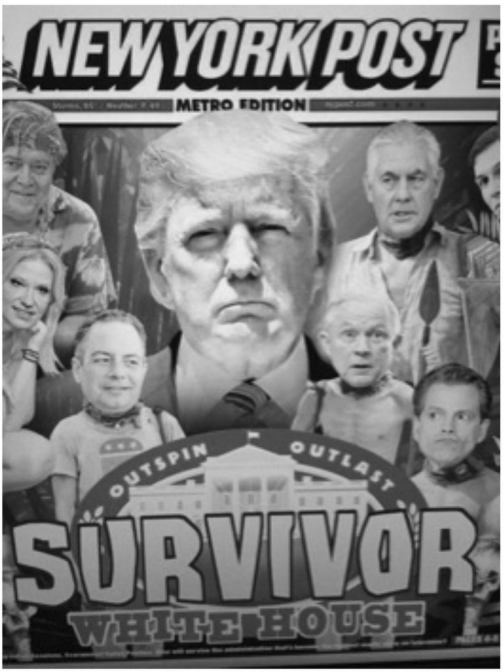

MAD
GONE WITH THE WINDBAGS
WILL "THE DONALD" AND ROSIE KISS AND MAKE UP?
FRANKLY, WE DON'T GIVE A DAMN!
PLUS: BORAT DOLLS ~ ENTOURAGE
MISSING SCENES FROM "24"


PLAYBOY
ENTERTAINMENT FOR MEN
DONALD TRUMP INTERVIEW
"Nice magazine. Want to sell it?"
ROCK AND RACISM
Has the dark side taken over pop music?
FAX 'N' FIGURES
Sex comes to the electronic office
CARS 1990
We pick the hottest, sharpest, sexiest
WORLD-CLASS PLAYMATES FROM OUR FAR-FLUNG EMPIRE

WORKING-CLASS HERO / WAR OF THE SEXES
Newsweek
TRUMPNADO

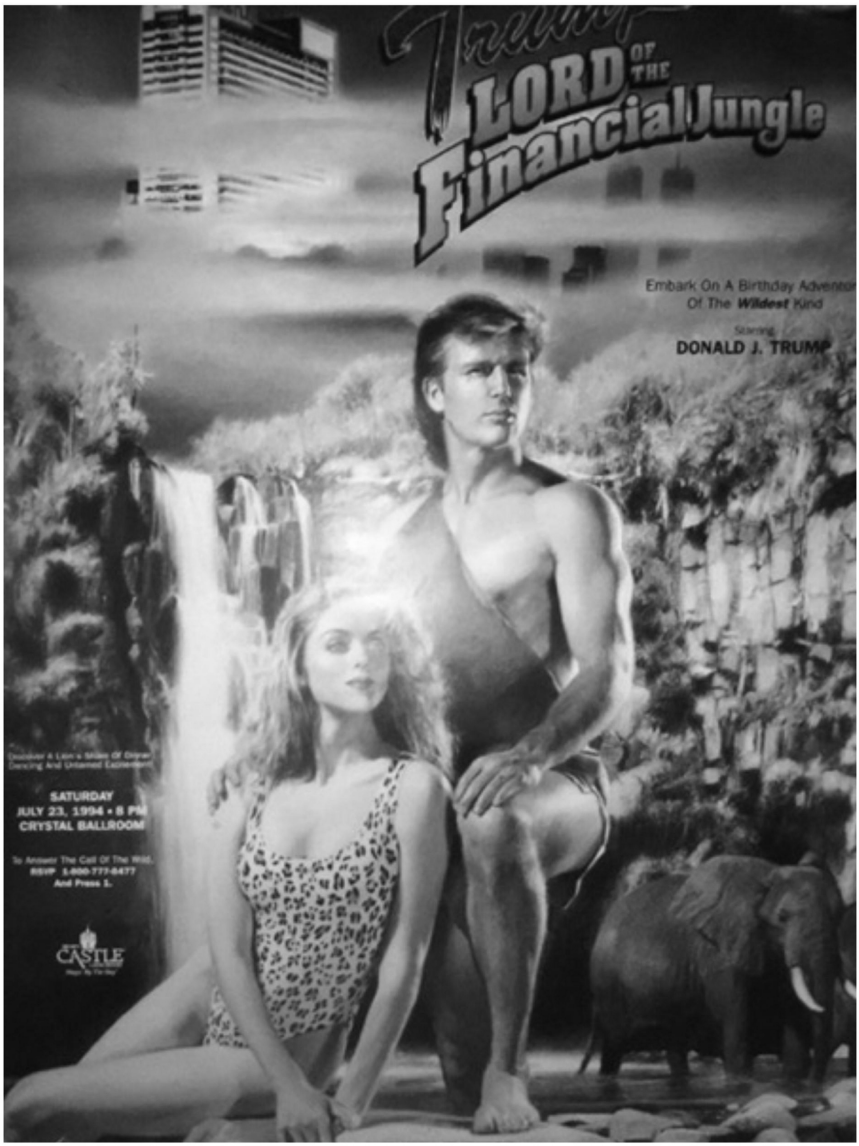
1994

July 28, 2017



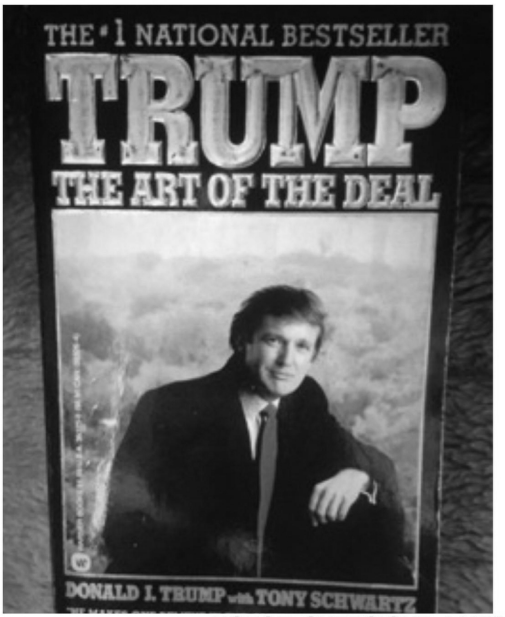
1994 Poster
"Trump, Lord Of The Financial Jungle"

In 1994, this poster was sent to High Rollers inviting them to a Birthday Party for Donald Trump. The party was held in the Crystal Ballroom at the Trump Castle.



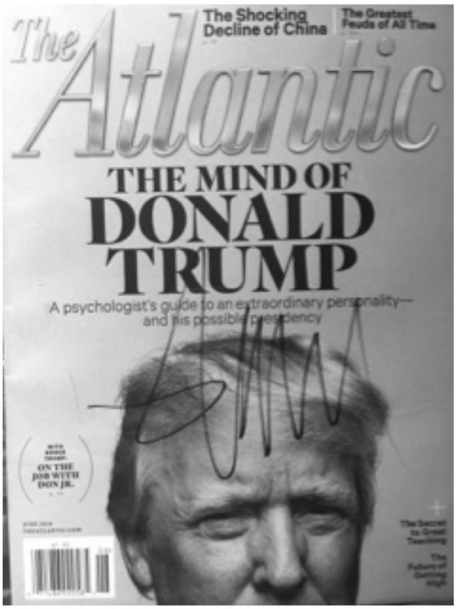
Donald Trump: The Man, the Myth, the Scandal by Joel Reed, published by Masquerade Books, 1990, 1st printing

Trump: The Art of The Deal By: Donald Trump With Tony Schwartz (1987)



TIME
bully
showman
party crasher
demagogue
the 45th President of the United States
On the plane with Donald Trump

Deal with it


The Shocking Decline of China
The Greatest Feuds of All Time
The Atlantic
THE MIND OF DONALD TRUMP
A psychologist's guide to an extraordinary personality—and his possible presidency
ON THE JOB WITH DON JR.

Donald Trump "The Game. I'm Back & You're Fired" Vintage Board Game Donald 2004

"THE GAME"

Donald TRUMP The Game 1989 Vintage Milton Bradley Board Game

Chairs and Table from Trump Plaza Casino

Taj Mahal EGO Lounge Sign - Trump Hotel and Casino

“Donald Trump, 2004 (America)”

Andres Serrano

On Jun 8, 2018, at 8:36 AM, jeffrey E. <jeevacation@gmail.com> wrote:

1 madonna on the way 2. Instead of torture photo. , maybe portrait of me instead? 3. Presentation of trumpville?
--

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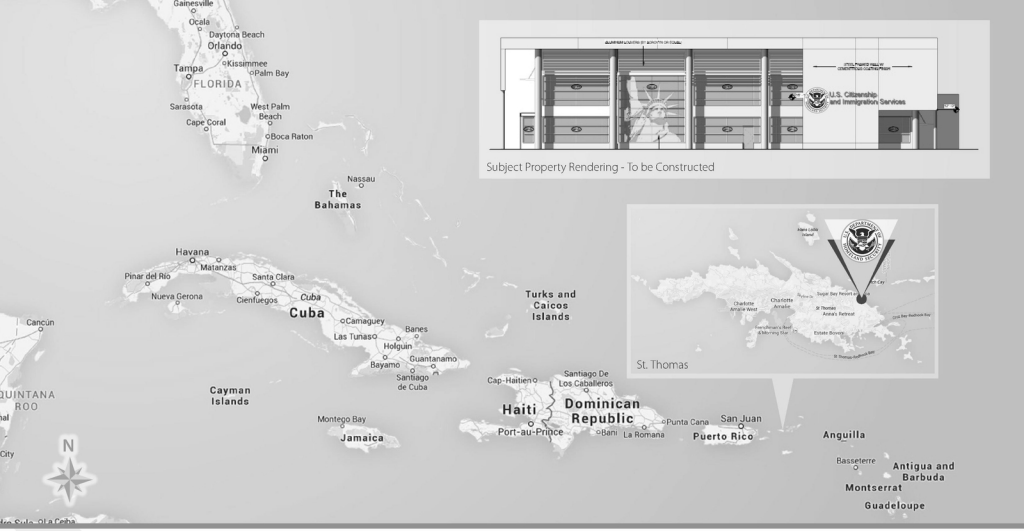

Offering Memorandum

GSA Joint Venture Equity Financing & Pre-Sale Acquisition Opportunity

19-F Smith Bay Road | St. Thomas, U.S. Virgin Islands

New Construction Build-To-Suit Property | U.S. Citizenship & Immigrations Services Facility
GSA Guaranteed Lease (S&P Rated AA+)

Atlanta
Chicago
New York
Houston
Los Angeles
Miami
Phoenix
San Francisco
Tulsa

Confidential Disclaimer

This Confidential Memorandum has been prepared by Stan Johnson Company ("SJC") and is being furnished to you solely for the purpose of your review of the commercial property located at 19-F Smith Bay Rd, St Thomas 00802, US Virgin Islands (the "Property"). The material contained in this Offering Memorandum shall be used for the purposes of evaluating the Property for acquisition and shall not be used for any purpose or made available to any other person without the express written consent of Stan Johnson Company ("Broker").

By accepting the Confidential Memorandum, you acknowledge and agree that: (1) all of the information contained herein and any other information you will be receiving in connection with this transaction, whether oral, written or in any other form (collectively, the "Materials"), is confidential; (2) you will not reproduce the Confidential Memorandum in whole or in part; (3) if you do not wish to pursue this matter, you will return this Confidential Memorandum to SJC as soon as practicable together with all other materials relating to the Property which you may have received from SJC; and (4) any proposed actions by you which are inconsistent in any manner with the foregoing agreements will require the prior written consent of SJC.

This Confidential Memorandum has been prepared by SJC, based upon certain information pertaining to the Property and any information obtained from SJC to assist interested parties in making their own evaluation of the Property is offered on a no representation or warranty provision other than customary warranties of title and is sold on an "as-is, where-is" basis and with all faults. The material and transaction does not purport to be all inclusive. This Confidential Memorandum contains descriptive materials, financial information and other data compiled for the convenience of parties interested in the Property. The Materials are being delivered by SJC to prospective investors with the understanding that it is not all inclusive and that it is qualified in its entirety by independent investigation by prospective investors of those matters which they deem appropriate in evaluating this offering without reliance upon SJC, the Broker or any of their respective affiliates or any of the information set out in the Materials. Neither SJC, the Broker, nor any of their respective affiliates have independently verified any of the information contained herein or in any of the Materials, and no representations or warranties as to the accuracy or completeness thereof or of any other kind whatsoever are made or intended and none should be inferred.

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HOUSE_OVERSIGHT_018728

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Sea Glass Properties
USVI Lic #1-10718-1B

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HOUSE_OVERSIGHT_018729

Section 1:

Executive Summary

The Offering

Stan Johnson Company is pleased to offer to qualified investors, on behalf of Ownership, a unique pre-sale/JV investment & acquisition opportunity for a 100% fee simple interest in a brand new, to-be-built General Services Administration (GSA) facility. The Property is leased to the U.S. Government and is occupied by the Citizenship and Immigrations Services (CIS) agency, and is located on the island of St. Thomas in the U.S. Virgin Islands.

The proposed deal structure is a forward commitment acquisition, with the purchaser funding 100% of development costs, receiving a preferred rate of return on their outstanding equity during development, and subsequently purchasing the property upon rent commencement at a pre-determined cap rate. Ownership closed on the purchase of the underlying land in mid-2014 and is ready to start construction immediately. Qualified investors are encouraged to submit bids outlining their proposed terms & structure, to be reviewed by Ownership.

The Property will be developed on an exceptionally well located site. It will be a 100% occupied, free standing, two-story office property of approximately 12,770 square feet on 1.89 acres. The site is located in Smith Bay on the East side of the island of St. Thomas in the US, Virgin Islands. The GSA will be operating under a new, 10-year base lease term.

The subject Property is mission critical to CIS as it will house a consolidation of multiple CIS facilities including current facilities in St. Croix and Charlotte Amalie. The Property will serve as the CIS center for the entire St. Thomas region to welcome and educate future US citizens. The Property is a unique opportunity for an investor to acquire a new construction property 100% leased to the GSA, while earning additional income through funding of development costs.

Investment Highlights

100% Leased to and Guaranteed by the US General Services Administration - Property to house the Department of Homeland Security's Citizenship and Immigration Services agency

Class A Asset with Long Term Residual Value – Property will be a modern two-story split level, state of the art, public office facility, built to withstand a CAT V hurricane

Brand New 10-Year Base Lease Term - Newly signed 10-year lease, which is non-cancellable for the first ten years, at a full service rate of $49.55 per RSF

Mission Critical Facility – The subject Property is truly mission critical as it will house a consolidation of multiple CIS facilities and serves as the CIS center for the entire St. Thomas region to welcome and educate future US citizens

Strong Developer Track Record of GSA Projects – The developer, Hoover Properties, has successfully completed 29 different build-to-suit developments for the U.S. Government for a wide range of agencies. Inquire with broker for additional information.

GSA's Financial Contribution to Tenant Improvements - The GSA is contributing almost $1 million toward interior buildout at the Property, well in excess of the developer's $665,000 contribution

LEED® Certified Building – The Property's interior space will be constructed to meet the requirements of LEED for Commercial Interiors

HOUSE_OVERSIGHT_018731

Property Overview

Property:	Citizenship & Immigration Services Building (GSA)
Tenant:	United States of America, General Services Administration (Standard & Poors credit rating of AA+)
Property Address:	19-F Estate Smith Bay, Smith Bay Road St. Thomas, U.S. Virgin Islands
Year Built:	Estimated 2015 or Early 2016
Rentable SF:	12,770 SF
Parcel No:	19F-E
Zoning:	B-2 (Per Zoning Act #27-0138)
Lot Size:	+/- 1.89 Acres
Occupancy:	100%
Encumbrances:	None, Delivered Free and Clear
Ownership Type:	Fee Simple; Build-to-suit
Lease Type:	Gross as to Operating Expenses. Real Estate Taxes pass-through over fully assessed base year
Parking Spaces:	41+ Spaces

Pricing & Financial Overview

19-F Smith Bay Rd | St Thomas 00802, US Virgin Islands	
Offering Terms:	Forward Commitment (Pre-Sale/JV) Acquisition, with Purchaser funding 100% of development costs, receiving a Preferred Rate of Return on Outstanding Equity during Development, and Purchasing the Property upon Rent Commencement at a Pre- Determined Cap Rate
Offering Forward Commitment Cap Rate & Purchase Price:	Contact Listing Agent
Development Equity Requirement:	Contact Listing Agent
Investor Development Preferred Return:	Contact Listing Agent
Equity Initial Funding Date:	Q4 2014
Investor Acquisition Date:	(est.) Q2 2016

HOUSE_OVERSIGHT_018732

Section 2:

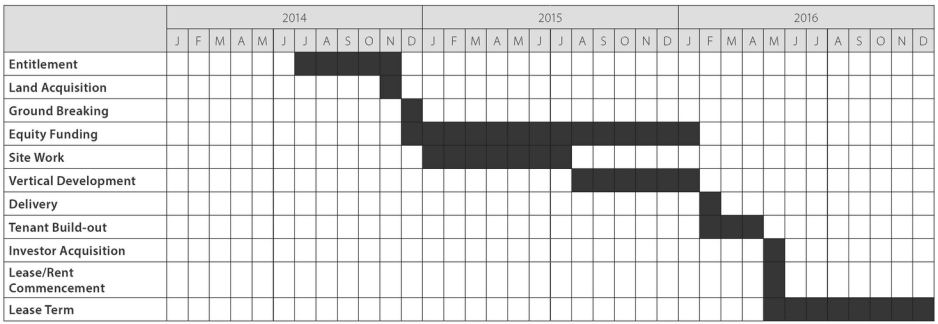
Financial Summary

SOURCES & USES OF FUNDS

Use Of Funds:	Total	% of Total
Land Costs	$1,113,393	16.72%
Hard Project Costs	$5,780,914	86.82%
Soft Costs	$748,247	11.24%
GSA TI Reimbursement	($983,797)	(14.77%)
Total Uses	**$6,658,757**	**100.00%**

Source Of Funds:	Total	% of Total
Investor Equity	$1,618,757	24.31%
Loan	$5,040,000	75.69%
Total Sources	**$6,658,757**	**100%**

CONSTRUCTION TIMELINE



HOUSE_OVERSIGHT_018734

Pro Forma NOI

Item	PSF*	Year 1
Gross Potential Income (GPI)	$45.21	$577,344
- Vacancy and Collection Loss	$0.00	$0
= Net Rent Revenue	**$45.21**	**$577,344**
+ Operating Cost Rent Adjustment	$4.34	$55,412
= Effective Gross Income (EGI)	**$49.55**	**$632,756.1**
- Total Operating Expenses	$9.24	$118,052
= Net Operating Income (NOI)	**$40.31**	**$514,704**

Operating Expenses

Utilities		
Heat	$0.00	$0
Electric	$0.00	$0
Water and Sewer	$0.15	$1,915
Total Utilities	**$0.15**	**$1,915**
Maintenance		
Landscaping	$0.74	$9,493
Janitorial	$1.27	$16,155
Painting and Decorating	$0.10	$1,277
Maintenance Labor	$0.00	$0
Maintenance Contract	$0.73	$9,271
Plumbing	$0.20	$2,554
Electrical	$0.20	$2,554
Land Lease	$0.00	$0
Total Maintenance	$3.23	$41,304
Administration		
Management Fee	$0.99	$12,655
Personnel Expense	$0.00	$0
Office Supplies	$0.00	$0
Telephone	$0.00	$0
Marketing	$0.00	$0
Total Administration	$0.99	$12,655
Fixed Expenses		
Insurance	$3.11	$39,762
Real Estate Taxes	$1.61	$20,500
Replacement Reserves	$0.15	$1,916
Total Fixed Expenses	$4.87	$62,178
=		
Total Operating Expenses	**$9.24**	**$118,052**

* Building SF = 12,770 SF

HOUSE_OVERSIGHT_018735

Section 3:

Property Summary

Lease Abstract

Property Address:	19-F Estate Smith Bay, Smith Bay Road
Tenant:	U.S.A., General Services Administration US Department of Homeland Security Citizenship and Immigration Services
Property Type:	2 Story, Built-to-Suit Office
Building Area (SF):	12,770 RSF
Lot Size (Acres):	1.89 Acres
Year Built:	To-be-built
Lease/Rent Commencement:	Upon building completion
Lease/Rent Expiration:	10 years after building completion
Base Lease Term:	10 years
Base Lease Term Remaining:	10 Years
Current Annual Rent:	$632,756.05
Amortized Tenant Improvements (annual):	$55,433.62
Rental Increases (in base term):	None
Renewal Options:	None
Lease Type:	Modified Gross - Tenant pays increases in taxes over a base year that will be established upon full assessment
Expense Detail:	Operating Expenses are full service, exclusive of tenant electric. GSA pays adjusted rent annually based on a base rate for occupancy cost of $4.3393 per RSF ($55,412.40) times % change in CPI
Ownership Type:	Fee Simple; Build-to-suit
ROFR/Right of First Offer:	None
Termination Option:	None
Parking:	41 spaces, of which 4 shall be reserved for Government employees
LEED:	Tenant space will be built to meet requirements of LEED for Commercial Interiors

St. Thomas, USVI

USCIS

Stan Johnson Company | THE NET LEASE AUTHORITY®

HOUSE_OVERSIGHT_018737

Tenant Overview

United States Citizenship and Immigration Services ("USCIS" or "CIS") is a component of the **United States Department of Homeland Security** (DHS), which in turn is under the General Services Administration (GSA). It performs many administrative functions formerly carried out by the former **United States Immigration and Naturalization Service** (INS), which was part of the Department of Justice.

The stated priorities of the USCIS are to promote national security, to eliminate immigration case backlogs, and to improve customer services. USCIS is headed by a director, currently Leon Rodriguez, who reports directly to the Deputy Secretary for Homeland Security. USCIS consists of 18,000 federal employees and contractors working at 250 offices around the world.

USCIS is charged with processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the service centers, and managing all other immigration benefits functions (i.e., not immigration enforcement).

USCIS' official website is USCIS.gov which includes an online appointment scheduling service known as INFOPASS. This system allows people with questions about immigration to come into their local USCIS office and speak directly with a government employee about their case. Additionally, USCIS maintains a blog entitled "The Beacon" as well as the "@uscis" Twitter account.

Unlike most other federal agencies, USCIS is funded almost entirely by user fees. Under President George W. Bush's FY2008 budget request, direct congressional appropriations made about 1% of the USCIS budget and about 99% of the budget was funded through fees. The total USCIS FY2008 budget was projected to be $2.6 billion.

Exceptional Credit Tenancy –
Boasting an "AA+" credit rating by S&P and an "Aaa" credit rating by Moody's, the lease is guaranteed by the United States of America.

High Renewal Probability –
The General Services Administration's lease renewal probability is 96% in new, first generation space such as the Property, and the GSA remains in its space for over 25 years on average.

United States Citizenship and Immigration Services

HOUSE_OVERSIGHT_018738

Site Plan

Citizenship and Immigration Services
12,770 SF Facility to-be Constructed 2015-2016
Mission-Critical, Consolidation of CIS Offices –
St. Thomas, U.S. Virgin Islands

Stan Johnson Company | THE NET LEASE AUTHORITY®

HOUSE_OVERSIGHT_018739

Turks and
Caicos
Islands
Banes
Holguin
Guantanamo
Bayamo
Santiago
de Cuba
Santiago De
Los Caballeros
Cap-Haitien
Haiti
Port-au-Prince
Dominican
Republic
Punta Cana
Bani
La Romana
San Juan
Puerto Rico
Caribbean Sea
N
Aruba
Curacao
Punto Fijo
Coro
Barranquilla
Google

Coral World Ocean Park
Water Bay
Thatch Cay
Sugar Bay Resort and Spa
Footer Point
Coral World Ocean Park
Sugar Bay Resort and Spa
Smith Bay Rd
Smith Bay Rd
Ridge Rd

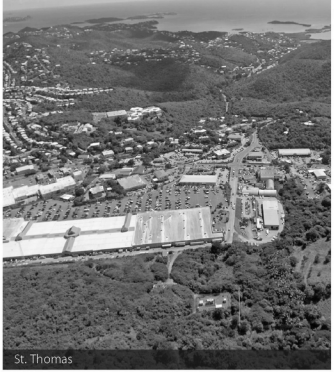
Location Overview

Saint Thomas is an island in the Caribbean Sea – directly east of Puerto Rico. Together with St. John and Water Island, St. Thomas forms a county and constituent district of the United States Virgin Islands (USVI), an unincorporated territory of the United States. Located on the Island of Saint Thomas is the territorial capital and port of Charlotte Amalie. As of the 2010 census, the population of Saint Thomas was 51,634 about 48.5% of the US Virgin Islands total. The district has a land area of 31.24 square miles.

In 1917, St. Thomas was purchased (along with Saint John and Saint Croix) by the United States for $25 million in gold, as part of a defensive strategy to maintain control over the Caribbean and the Panama Canal during the First World War. U.S. citizenship was granted to the residents of St. Thomas in 1927 and the U.S. Department of the Interior took over administrative duties in 1931. American forces were based on the island during the Second World War and the 1954, passage of the U.S. Virgin Islands Organic Act officially granted territorial status to the three islands - St. Thomas, St. John, and Water Island.

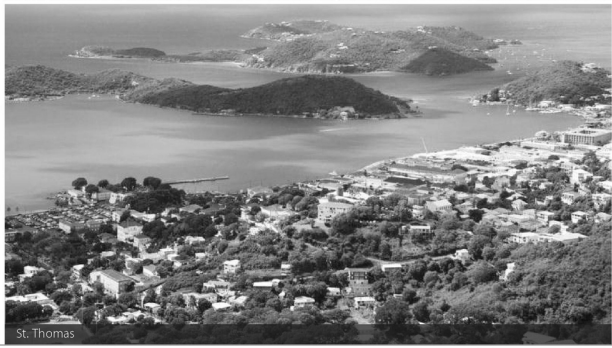
St. Thomas has a lively tourist trade. It is the USVI's most cosmopolitan island, yet it still retains the distinctive atmosphere of a secluded Caribbean paradise. St. Thomas is packed with many tourism activities including shopping, sailing, snorkeling, sightseeing, diving and dining. The Island is home to a world-renowned golf course, picture-perfect beaches and a spectacular nightlife. Other attractions are the Skyride (700 feet above the city) and the famous 99 Steps of Charlotte Amalie for an incomparable view of the Caribbean, as well as the second-oldest synagogue in the Western Hemisphere, the 1680-built Fort Christian.

St. Thomas is developed with many hotels offering a variety of lodging alternatives from grand resort estates to small inns and villas. It is also a destination for many Caribbean cruises due to the Island's breathtaking views, secluded beaches and a deeply relaxing atmosphere.


St. Thomas

St. Thomas

St. Thomas


St. Thomas

HOUSE_OVERSIGHT_018741

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www.stanjohnsonco.com

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An Iconic Offering

A 38.5 Acre Development Site on the Las Vegas Strip

Exclusive Agents

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marc.renard@cushwake.com

Manfred W. Schaub 213-955-5128
Senior Director
manfred.schaub@cushwake.com

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Senior Director
gwest@comre.com

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REAL ESTATE SOLUTIONS • COMRE.COM

An independently owned and operated member of the
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Commerce Real Estate Solutions
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Las Vegas, NV 89169

Confidentiality & Conditions

This is a confidential Offering Memorandum intended solely for your limited use and benefit in determining whether you desire to express any further interest in the purchase of the 38.5-acre site ("the Property").

This Offering Memorandum was prepared by Cushman & Wakefield and Commerce Real Estate Solutions ("Cushman & Wakefield") and has been reviewed by representatives of the owners of The Property ("the Ownership"). It contains selected information pertaining to the Property and does not purport to be all-inclusive or to contain all of the information that prospective purchasers may desire. It should be noted that all information provided is for general reference purposes only in that such information is based on assumptions relating to the general economy, competition, and other factors beyond the control of Ownership and, therefore, is subject to material variation. Additional information and an opportunity to inspect the Property will be made available to interested and qualified prospective purchasers. Neither Ownership nor Cushman & Wakefield nor any of their respective officers have made any representation or warranty, express or implied, as to the accuracy or completeness of this Offering Memorandum, any of its contents, or any other materials provided as a courtesy to facilitate prospective purchaser's own investigations of the Property, and no legal commitments or obligations shall arise by reason of this Offering Memorandum, its contents or any further information provided by Cushman & Wakefield regarding the Property.

It is essential that all parties to real estate transactions be aware of the health, liability and economic impact of environmental factors on real estate. Cushman & Wakefield does not conduct investigations or analyses of environmental matters and, accordingly, urges its clients to retain qualified environmental professionals to determine whether hazardous or toxic wastes or substances (such as asbestos, PCB's and other contaminants or petro-chemical products stored in underground tanks) or other undesirable materials or conditions are present at the Property and, if so, whether any health danger or other liability exists. Such substances may have been used in the construction or operation of buildings or may be present as a result of previous activities at the Property.

Various laws and regulations have been enacted at the federal, state and local levels dealing with the use, storage, handling, removal, transport and disposal of toxic or hazardous wastes and substances. Depending upon past, current and proposed uses of the Property, it may be prudent to retain an environmental expert to conduct a site investigation and/or building inspection. If such substances exist or are contemplated to be used at the Property, special governmental approvals or permits may be required. In addition, the cost of removal and disposal of such materials may be substantial. Consequently, legal counsel and technical experts should be consulted where these substances are or may be present.

Ownership and Cushman & Wakefield expressly reserve the right, at their sole discretion, to reject any or all expressions of interest or offers to purchase the Property and/or terminate discussions with any entity at any time with or without notice. Ownership shall have no legal commitment or obligation to any entity reviewing this Offering Memorandum or making an offer to purchase the Property unless and until a written commitment to purchase the Property has been fully executed, delivered and approved by Ownership and any conditions to Ownership's obligations thereunder have been satisfied or waived. Except for representations and warranties expressly set forth in such definitive, executed purchase and sale agreement, Ownership makes and will make no representations and warranties regarding the Property and any prospective purchaser must rely entirely on its own investigations and those of its agents and consultants.

By receipt of this Offering Memorandum, you agree that this Offering Memorandum and its contents are of a confidential nature, that you will hold and treat it in the strictest confidence, and that you will not disclose this Offering Memorandum or any of its contents to any other entity without the prior written authorization of Ownership nor will you use this Offering Memorandum or any of its contents in any fashion or manner detrimental to the interest of Ownership or Cushman & Wakefield.

The terms and conditions stated in this section will relate to all of the sections of the Offering Memorandum as if stated independently therein. If, after reviewing this Offering Memorandum, you have no further interest in purchasing the Property at this time, kindly return this Offering Memorandum to Cushman & Wakefield at your earliest possible convenience. Photocopying or other duplication is not authorized.

Table of Contents

Executive Summary

The Offering 5

HOUSE_OVERSIGHT_018745

MANDALAY BAY
2nd Largest Hotel
4,752 Rooms
LUXOR
3rd Largest Hotel
4,408 Rooms
Excalibur
4th Largest Hotel
4,008 Rooms
CITYCENTER
NEW YORK NEW YORK
MGM GRAND
The Largest Hotel
6,852 Rooms
Tropicana
MGM GRAND THE LOT
MANDALAY BAY
505' FAA Approval
750' of Direct Frontage
Located adjacent to
4 of the 5 largest hotels
in North America

Executive Summary

The Offering

Cushman & Wakefield, Inc., as exclusive advisor, is pleased to offer for sale a remarkable 38.5-acre development site on the world famous Las Vegas Strip. Situated directly across from the Mandalay Bay Resort, an investor could obtain permits within approximately nine months to develop a visionary themed large-scale resort and gaming destination with up to 10,000 hotel rooms. An approved height allowance of up to 505 feet will make any future development on the Site the most highly visible on the Strip to the more than 42 million annual visitors travelling through McCarron International Airport. In addition private aircraft "high roller" terminals adjacent to the Site create a very unique opportunity to provide exclusive direct jet access points. Las Vegas gaming revenues, levels of new development, visitor volumes and visitor spending are all approaching record levels making the timing associated with the development of the Site extremely compelling.

Las Vegas possesses a unique international appeal that draws an incredible 3.5 million visitors each and every month. The growth in tourism is only expected to accelerate with McCarran International Airport anticipated to be the fifth fastest growing airport in the country over the next 10 years with passenger volume projected to reach 55 million. Las Vegas' growth is expected to be bolstered by a mix of additional seats by domestic and international carriers through more flights and larger aircraft and new service from international carriers including nonstop flights from China within three years. Over 4 million square feet of new convention space and more than $6 billion of new resort, retail and entertainment developments continue to elevate the overall "Las Vegas experience".

HOUSE_OVERSIGHT_018747

The Site

- Remarkable 38.5-acre site will support a themed, large-scale casino resort development
- Six to nine month approval process to break ground
- 750 feet of direct Strip frontage
- In-place income generated by existing buildings
- 505' of FAA approved height allowance fronting the Strip
- H-1 zoning flexibility allows for resort casino/gaming, luxury retail, multifamily, retail, timeshare
- Direct visibility to 42 million visitors traveling through McCarran International Airport
- Views to south will be unobstructed forever due to lower buildable height restrictions on the south
- Existing streets bounding all sides of the Site provide excellent access

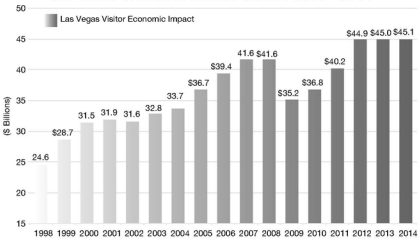
CONCEPTUAL PLANS FOR CASINO RESORT OF 9,360 ROOMS

Private Aircraft
"High Roller"
Terminals at LAS
Tropicana Ave
Reno Ave
Tropicana
MGM Grand
The Lot
Triple 5
Development
Project
Las Vegas Blvd
Excalibur
4th Largest Hotel
4,008 Rooms
LUXOR
3rd Largest Hotel
4,408 Rooms
MANDALAY BAY
2nd Largest Hotel
4,752 Rooms
Convention Space
2.1 Million SF

Strong Las Vegas Economy Justifies New Development

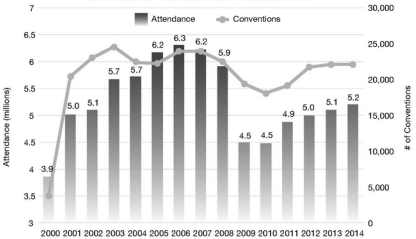
- $6 billion of under construction and planned Strip development is the greatest since 1950's
- $45.1 billion in annual visitor revenue during 2014, a new record
- 41.1 million visitors in 2014; 2015 is on track to hit 42 million, a new record
- 4 million square feet of new convention space under development, a new record
- $9.6 billion in gaming revenues in 2014 near peak 2007 levels
- Visitor volume projected to increase by 500,000 every year for the foreseeable future
- Average hotel occupancy is 92% on the Strip
- Tier One hotel ADR was $232 in 2014
- Nearly 650,000 new residents since 2000, representing 47% growth during the past decade
- 1.3 million more room nights were sold in 2014 over 2013

LAS VEGAS VISITOR ECONOMIC IMPACT 2000 - 2014



$45.1 Billion
Visitor Revenues hit New Record

LAS VEGAS CONVENTION STATISTICS



4,000,000 Square Feet
Convention Space under Construction to Accommodate Demand

HOUSE_OVERSIGHT_018750

Surrounded By World Class Retail

RETAILERS TO THE SOUTH

H&M

Saks Fifth Avenue

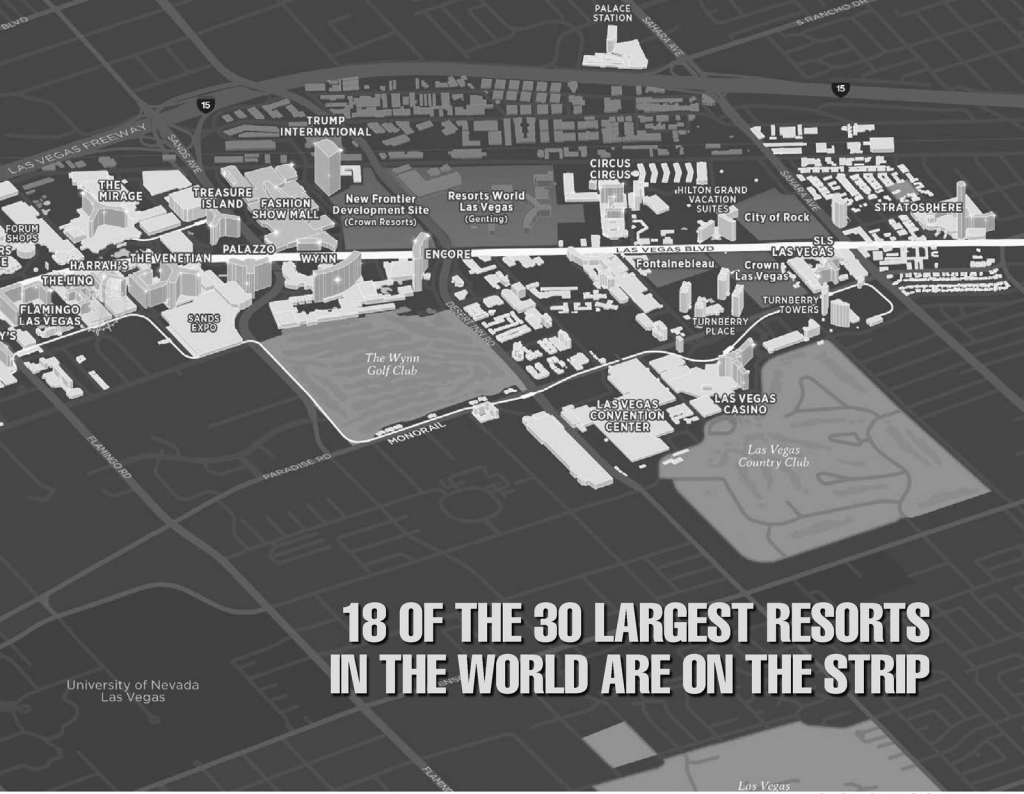
WHOLE FOODS

RETAILERS TO THE NORTH

Ermenegildo Zegna TIFFANY & Co. LOUIS VUITTON Kiton BVLGARI

GUCCI Cartier FENDI HERMES Dior PRADA MIKIMOTO

PANORAMA TOWERS
VDARA
BELLAGIO
ARIA
COSMOPOLITAN
MONTE CARLO
CITY CENTER
THE SHOPS AT CRYSTALS
Las Vegas Arena/ The Park (2016)
NEW YORK NEW YORK
MANDARIN ORIENTAL
EXCALIBUR
LUXOR
THE STRIP
PARIS
PLANET HOLLYWOOD
MGM GRAND
THE SIGNATURE AT MGM GRAND
MONORAIL
TROPICANA
MANDALAY BAY
MGM "The Lot"
LAS VEGAS BLVD
WYNDHAM GRAND DESERT
Bali Hai Golf Club
Triple 5 Project
RUSSELL RD
VALLEY BLVD
SPRING VALLEY
KOVAL LN
HARMON AVE
TROPICANA AVE
15



18 OF THE 30 LARGEST RESORTS IN THE WORLD ARE ON THE STRIP

THE TRANSFORMATION OF THE SOUTH SIDE OF THE STRIP

$375 Million AEG-MGM 20,000 Seat Arena Under Construction

$100 Million Shops at Tropicana Planned

Luxury 300,000 Retail Frontage at Excalibur Planned

Mandalay Bay Convention Expands to 2.1 Million SF

Monte Carlo Frontage and Theatre Under Construction

MGM Opened The Lot and City of Rock May 2015 drawing 300,000 people in four days

$6 Billion In New Development

- Group's multi-billion dollar Asian-themed resort on the Strip (expected to open in 2018) and Alon Crown 1,100 room Alon breaking ground in 2016.
- MGM & AEG's 20,000-seat arena under construction between New York-New York and Monte Carlo will draw hundreds of thousands of new visitors per year.
- Major renovations are underway or complete at The Venetian, Mandalay Bay, MGM Grand, The Mirage, Bellagio, the New Tropicana Las Vegas, SLS Hotel and Four Seasons Hotel.

$4.5 Billion 3,000 Room Resorts World
Under Construction

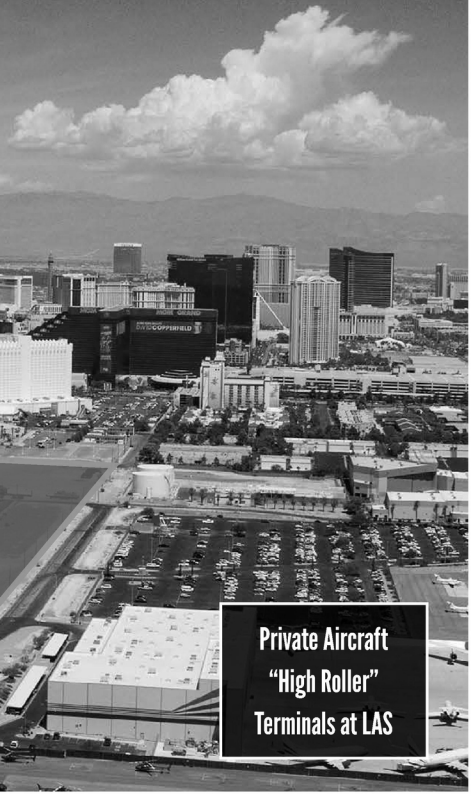
$2 billion Alon Crown
Resorts Planned

Silverton Timeshares
Under Construction

Wyndam Blue Timeshares
Opened July 2015

$2.5 billion Convention Center
Expansion Planned

MANDALAY BAY
LAY BAY
MANDALAY BAY



Offering Procedures

Cushman & Wakefield, Inc. ("C&W") is contacting prospective purchasers in order to solicit their interest in the acquisition of The Site on Las Vegas Strip. The Property is being offered on a strict "as-is" basis with the selection of the buyer being influenced by the level of physical and economic due diligence initially undertaken by prospective purchasers. In this regard, detailed financial information, title reports, service contracts and other relevant documentation are available for review.

Property Tours

Prospective purchasers are asked to contact C&W to arrange specific times for property tours.

Offer Submission

Prospective purchasers are kindly requested to submit offers to Cushman & Wakefield at their earliest convenience but no later than XX, XX, XXXX at the address specified below:

Marc D. Renard
Vice Chairman
213-955-6413
marc.renard@cushwake.com

Cushman & Wakefield of California, Inc.
601 South Figueroa Street, Suite 4700
Los Angeles, California 90017
Facsimile: (213) 627-5995

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MANDALAY BAY
750' OF DIRECT FRONTAGE

The Site

The Site is comprised of 12 parcels totaling approximately 38.475 net acres located at the southeast corner of Las Vegas Boulevard South and East Mandalay Bay Road on the world famous Las Vegas Strip.

Current improvements on the Site include the Desert Oasis Motel, The Oasis Apartments, a two-story office building at 3951 Las Vegas Boulevard South and a one-story commercial building at 3953 Las Vegas Boulevard South. The former Skyvue development planned for the northwest portion of the Property received FAA height approvals and was planned for the world's tallest ferris wheel approximately 467-feet tall and a two-story retail / convention complex. Two concrete support columns for the wheel, approximately 240-feet tall, and four concrete foundations were built before construction was halted in August 2012.

The adjacent properties to the east fronting Haven Street are the signature private jet terminals of McCarran International Airport and the private jet terminal of the Las Vegas Sands Corp; to the west of the Site are Mandalay Bay Resort Casino and Convention Center, the Four Seasons Resort and Luxor Resort Casino; to the north of the Site are MGM's music festival property "The Lot" and the Tropicana Resort Casino; and to the south is undeveloped land primarily owned by the multinational conglomerate Triple 5 Group that is restricted by lower height limitations of approximately 284 feet.

Site highlights include:

- Income in-place of approximately $500,000 from existing tenants provides revenue while planning concept and designs are approved
- Unique opportunity to create branding synergies with private ingress/egress points to the adjacent high roller jet terminals
- Preferred south Strip location adjacent to four of the largest resorts in North America (MGM Grand, Mandalay Bay, Excalibur and Luxor).
- Established and high traffic location on the Las Vegas Strip
- Numerous world-class resorts, convention centers, luxury shopping, dining and entertainment attractions within walking distance.
- Proximate to the I-15 and I-215 Freeways

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NO.	ASSESSOR PARCEL	ADDRESS	PROPERTY USE	2014 NOI	YEAR BUILT	ACREAGE
1	162-28-202-013	95 East Ali Baba Lane	Former Casey Arms Apartments site/Undeveloped	-	-	8.965
2	162-28-301-001	47 East Mandalay Bay Road	Former Happi Inn site/ Skyvue construction	-	-	0.769
3	162-28-301-002	47 East Mandalay Bay Road	Former Happi Inn site/ Skyvue construction	-	-	0.45
4	162-28-301-010	3953 Las Vegas Boulevard South	(1-story commercial): Psychic Sessions	$18,000	1960	0.233
5	162-28-301-029	N/A	Graded/Undeveloped	-	-	5.822
6	162-28-301-032	3951 Las Vegas Boulevard South	(2-story): offices - Skyvue construction	-	1998	3.348
7	162-28-301-033	N/A	Graded/Concrete channel	-	-	3.767
8	162-28-301-034	3965 Las Vegas Boulevard South	(2-story): Desert Oasis Motel & Apts- 48 rooms	($13,624)	1963	3.026
9	162-28-301-036	3941 Las Vegas Boulevard South	Former Olympus Inn site/ Skyvue construction	-	-	1.76
10	162-28-301-037	N/A	Skyvue construction	-	-	1.82
11	162-28-302-001	N/A	Graded/Undeveloped	-	-	2.229
12	162-28-310-001	5316 Danville Lane, 5333 Bethel Lane	The Oasis Apartments - 128 units	$268,675	1984	6.286
			TOTAL	**$273,051**		**38.475**

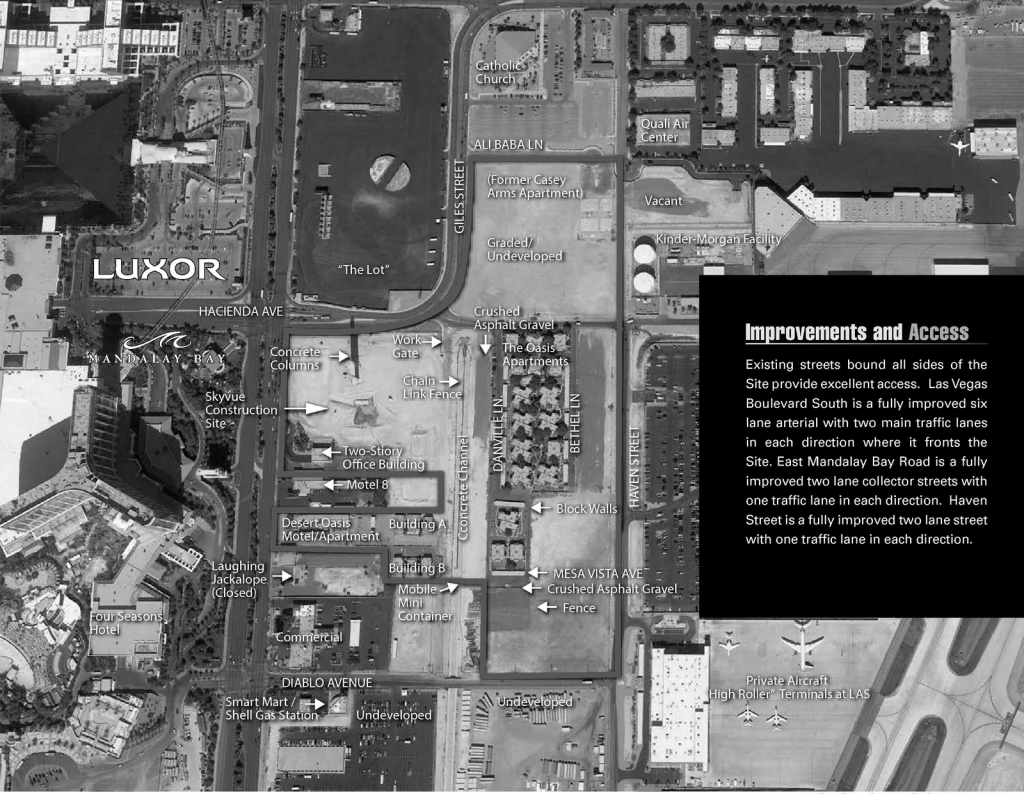
UTILITIES

The Site has full utility services provided by the following:

- Electricity: NV Energy
- Natural Gas: Southwest Gas Company
- Water: Las Vegas Valley Water District
- Sewer: Clark County Water Reclamation District
- Waste: Republic Services

EXISTING INCOME

The existing improvements on the Site, inclusive of the Desert Oasis Motel, Oasis Apartments and the strip retail building at 3953 Las Vegas Boulevard generate approximately $275,000 in annual net income.



Improvements and Access

Existing streets bound all sides of the Site provide excellent access. Las Vegas Boulevard South is a fully improved six lane arterial with two main traffic lanes in each direction where it fronts the Site. East Mandalay Bay Road is a fully improved two lane collector streets with one traffic lane in each direction. Haven Street is a fully improved two lane street with one traffic lane in each direction.

Zoning

The Site is zoned H-1. This zoning provides for full service casino resorts and is the Strips primary gaming enterprise designation. Permitted uses include casino hotels, resort hotels, inns and motels, apartment rentals and condominiums, timeshares, public and institutional buildings, bars, restaurants, retail shops, and similar uses.

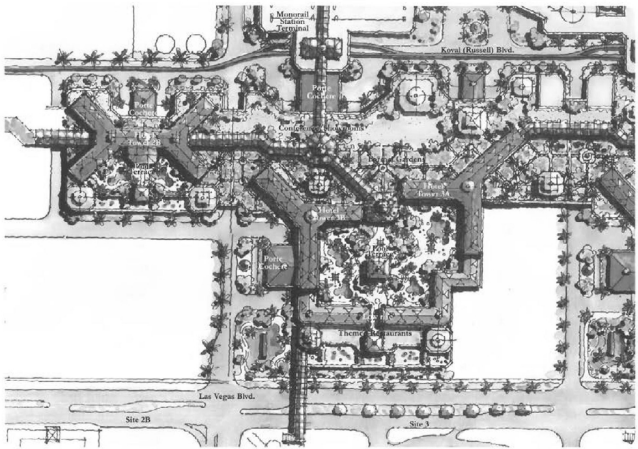
The Site is located within a Mixed-Use Overlay District. The Clark County Board of Commissioners approved an ordinance to the Clark County Code, Title 30 as Chapter 30.48 that established four different designations for Mixed-Use. The Board also established a number of Mixed Use Overlay Districts, with the majority being along or in close proximity to The Las Vegas Strip. The Site is within the designation of MUD-1, the most intense density zoning primarily located along the Las Vegas Strip resort corridor. The establishment of the Mixed Overlay District and the granting of the land use of MUD-1 make it easier for properties to receive approvals for mixed-use, high rise projects.

FAA Approved Height Allowance Up To 505 Feet On The Site

The Federal Aviation Administration (FAA) has provided determination letters for the Site approving a height allowance of 505 feet fronting Las Vegas Boulevard and decreasing to 354 feet on the eastern portion of the Site. It should be noted that in March 2011 the Clark County has a Board of County Commissioners unanimously approved the development of the 500 foot observation wheel and retail/convention space on 10.0 net acres of the Site.

Renderings and Plans

Current ownership has drafted conceptual plans that include the development of 9,360 hotel rooms with approximately 350,000 square feet of retail, conference and casino gaming space.



Conference/Showroom Level Summary

Site 3

Level	+40
Conference/Showrooms	200,000
Retail/Entertainment	50,000
Total	250,000

Site 2B

Level	+40
Conference/Showrooms	80,000
Retail/Entertainment	20,000
Total	100,000

Hotel Level Summary

Tower

Tower 2B	80rooms/floor x 30	= 2,400
Tower 3A	80rooms/floor x 36	= 2,880
Tower 3B	80rooms/floor x 36	= 2,880
Low Rise	80rooms/floor x 5	= 400
Subtotal		8,460

Limit variation:

Maximum rooms per height limit

Tower 2B	100 x 36	= 3,600
Tower 3A	80 x 36	= 2,880
Tower 3B	80 x 36	= 2,880
Subtotal		9,360

WORLD PORT PRESENTS
NEW WORLD, L.L.C.

Elevation +40 - 420
SITE 2-3 • HOTEL LEVEL

HART | HOWERTON
Planning • Architecture • Landscape Architecture • Interior Design • New York • San Francisco
7 • 13 • 2001

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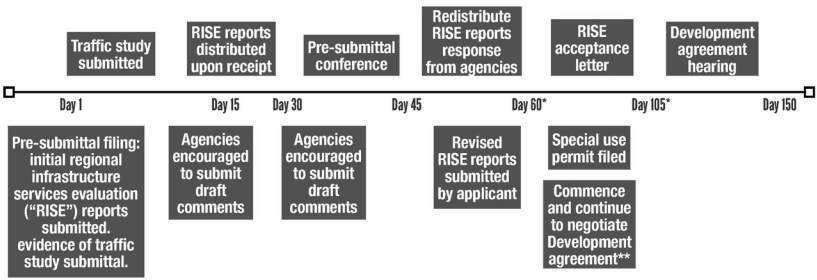
6 to 9 Month Permitting Process to Break Ground

The following is an outline of the estimated 6 to 9 month permitting process an investor will follow to enter into a development agreement within Clark County. Prior to starting the development agreement process with the County, the developer would acquire permit approvals from the Paradise Town Advisory Board.



*Acceptance letter may be issued within 30 days of presubmittal conference depending upon applicant's response.
**Development Agreement may be submitted in conjunction with Special Use Permit if negotiations are complete.
Fixed timeline may be flexible dependent upon applicant's response time.

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Available Third Party Reports and Documentation

The following summarizes available third party reports that are posted within the online due diligence site:

- ALTA Survey Wallace Morris Surveying, dated May 2013
- Title Report by First American, dated July 2015
- Tax bills 2014 – 2015
- Phase I by Western Technologies Inc., dated April 2014
- Phase II by Western Technologies Inc., dated August 2003
- Limited Phase II by Western Technologies Inc., dated August 2004
- Geotechnical Evaluation by Western Technologies Inc., dated October 2003
- Geotechnical Evaluation by Western Technologies Inc., dated August 2004
- Geotechnical Evaluation by Western Technologies Inc., dated July 2011
- Geotechnical Recommendation Letters of by Western Technologies Inc., dated February 2012, April 2014
- Zoning Declaration Letter by Clark County Planning Department, dated October 2008
- Federal Aviation Administration (FAA) Height Determination Letters, dated May 2011, June 2012, February 2015

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Area Overview

The Las Vegas Experience

Developed as an entertainment destination, Las Vegas is driven by a consumer services economy where "the experience" is its primary commodity. Las Vegas is one of the most visited tourist destinations in the United States and it possesses a unique international appeal that draws a remarkable 3.4 million visitors each month. Identified as the global capital of entertainment and gaming, it is the iconic three-mile stretch of Las Vegas Boulevard known as "the Strip" that draws visitors to Las Vegas. With 115,000 hotel rooms located on the Strip, the concentration of tourists is more than any other metropolitan statistical area in the world. The Las Vegas Convention and Visitors Association reported 41.1 million visitors in 2014 and project the total number of visitors to reach a new market high of 42 million in 2015.

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Unparalleled Hotel and Resort Inventory

Las Vegas has a larger supply of hotel rooms than any other metropolitan statistical area in the world and in return drives extraordinary spending demographics. The vast majority of Las Vegas' lodging supply is located on the Strip, and approximately 76% of all visitors (31 million) to Las Vegas stay in hotels on the Strip each year. Luxurious mega-resorts as well as more moderately priced accommodations are concentrated on the Strip and in the immediate surrounding area to meet the needs of all segments of the visitor market. A comparable resort district cannot be found anywhere else.

As summarized in the exhibit below, 17 of the 30 largest resorts in the world are located on the Las Vegas Strip:

THE WORLD'S 30 LARGEST HOTELS AND RESORTS

RANK	RESORT	LOCATION	ROOMS	RANK	RESORT	LOCATION	ROOMS
1	MGM Grand	Las Vegas	6,852	16	Flamingo	Las Vegas	3,565
2	First World Hotel	Genting Highlands	6,118	17	Atlantis	Paradise Island	3,414
3	Disney's All-Star Hotel	Orlando	5,524	18	Hilton Hawaiian Village	Honolulu	3,386
4	Izmailovo	Moscow	5,000	19	Disney's Port Orleans French Quarter	Lake Buena Vista	3,056
5	Mandalay Bay	Las Vegas	4,752	20	Mirage	Las Vegas	3,044
6	Luxor	Las Vegas	4,408	21	Monte Carlo	Las Vegas	3,002
7	Ambassador City Jotiem	Pattaya	4,219	22	Venetian Macau	Macau	3,000
8	The Venetian	Las Vegas	4,049	23	Cosmopolitan	Las Vegas	2,998
9	Excalibur	Las Vegas	4,008	24	Westgate Las Vegas Resort and Casino	Las Vegas	2,956
10	Aria Resort & Casino	Las Vegas	4,004	25	Paris	Las Vegas	2,916
11	Caesars Palace	Las Vegas	3,960	26	Treasure Island	Las Vegas	2,884
12	Bellagio	Las Vegas	3,950	27	Gaylord Opryland Resort	Nashville	2,881
13	Sheraton	Macau	3,896	28	Disney's Pop Resort	Lake Buena Vista	2,880
14	Circus Circus	Las Vegas	3,774	29	Bally's	Las Vegas	2,814
15	Shinagawa Prince Hotel	Tokyo	3,680	30	Borgata	Atlantic City	2,802

Located in Las Vegas

HOUSE_OVERSIGHT_018768

Convention Centers and Trade Shows

Las Vegas is the world's most preferred convention and trade show city, offering more convention and meeting space than any other city in the world, with more than 11 million square feet of existing inventory, including more than 2.0 million square feet that have been completed during the past three years and an additional 4 million square feet of convention space is currently in development. The total annual non-gaming economic impact of conventions hosted by all Las Vegas facilities totals approximately $8.0 billion. Notable conventions scheduled in Las Vegas during 2015 and 2016 include the following:

CONVENTIONS & TRADE SHOWS (2015-2016)

DATE	EVENT	ATTENDEES
January-16	International CES 2016	163,000
November-15	Automotive Aftermarket Industry Week (AAIW) 2015	140,000
January-16	Las Vegas Market - Winter 2016	50,000
August-16	Las Vegas Market - Summer 2016	50,000
February-16	World of Concrete 2016	48,000
September-15	2015 Pack Expo Las Vegas	45,000
September-15	Super Mobility Week	40,000
March-16	Nightclub and Bar Show 2016	39,000
May-16	RECon 2016	36,000
June-16	International Communications Industries Association/ Infocomm 2016	35,000
May-16	National Hardware Show 2016	30,000
April-16	National Automobile Dealers Association 2016	30,000
March-16	Healthcare Information & Management Systems Society (HIMSS16)	30,000
October-15	National Association of Convenience Stores, Inc. (NACS) Exposition 2015	30,000
September-15	2015 Mr. Olympia	30,000
June-16	International Esthetics Cosmetics & Spa Conference (IECSC) 2016	25,000
November-15	American Academy of Opthalmology Annual Meeting 2015	25,000
November-15	National Business Aviation Association, Inc. (NBAA) - 2015	25,000
September-15	Interbike Expo 2015	25,000
January-16	Kitchen and Bath Industry Show 2016	24,000
July-16	Deafnation World Expo 2016	23,000
February-16	Safari Club International 44th Annual Hunters Convention	21,000
December-15	Power-Gen International Conference 2015	20,000
October-15	G2E: Global Gaming Expo 2015	17,000
October-15	ISSA / INTERCLEAN North America 2015	16,000
March-16	Western Veterinary Conference 2016	14,500
October-15	ABC Kids Expo 2015	14,000
October-15	Live Design International 2015	14,000
September-15	International Vision Expo West 2015	14,000
June-16	Waste Expo 2016	12,000
March-16	National Association of Pizzeria Operators Expo - 2016	12,000
March-16	International Wireless Communications Expo 2016	12,000

HOUSE_OVERSIGHT_018769

Strong Increase in Visitor Economics

The following chart presents a history of visitor volumes and total visitor revenue for Las Vegas:

LAS VEGAS TOURISM IMPACT

YEAR	TOTAL VISITORS	% CHANGE	TOTAL VISITOR REVENUE	% CHANGE	REVENUE PER VISITOR	% CHANGE
1988	17,199,808	---	10,039,448,000	---	584	---
1989	18,129,684	5.4	11,912,941,000	18.7	657	12.6
1990	20,954,420	15.6	14,320,746,000	20.2	683	4.0
1991	21,315,116	1.7	14,326,554,000	0.0	672	(1.7)
1992	21,886,865	2.7	14,686,644,000	2.5	671	(0.2)
1993	23,522,593	7.5	15,127,167,000	3.0	643	(4.2)
1994	28,214,362	19.9	19,163,212,000	26.7	679	5.6
1995	29,002,122	2.8	20,686,800,000	8.0	713	5.0
1996	29,636,361	2.2	22,533,258,000	8.9	760	6.6
1997	30,464,635	2.8	24,952,189,000	10.7	819	7.7
1998	30,605,128	0.5	24,577,469,000	(1.5)	803	(2.0)
1999	33,809,134	10.5	28,695,178,000	16.8	849	5.7
2000	35,849,691	6.0	31,462,337,000	9.6	878	3.4
2001	35,017,317	(2.3)	31,907,492,000	1.4	911	3.8
2002	35,071,504	0.2	31,613,938,000	(0.9)	901	(1.1)
2003	35,540,126	1.3	32,777,906,000	3.7	922	2.3
2004	37,388,781	5.2	33,724,467,000	2.9	902	(2.2)
2005	38,566,717	3.2	36,733,453,000	8.9	952	5.6
2006	38,914,889	0.9	39,406,265,000	7.3	1,013	6.3
2007	39,196,761	0.7	41,578,079,000	5.5	1,061	4.8
2008	37,481,552	(4.4)	42,900,000,000	3.2	1,145	7.9
2009	36,351,469	(3.0)	35,200,000,000	(17.9)	968	(15.4)
2010	37,335,436	2.7	36,800,000,000	4.5	986	1.8
2011	38,928,708	4.3	40,200,000,000	9.2	1,033	4.8
2012	39,727,022	2.1	44,900,000,000	11.7	1,130	9.4
2013	39,668,221	(0.1)	45,200,000,000	0.7	1,139	0.8
2014	41,126,512	3.7	45,200,000,000	0.0	1,099	(3.5)
AVERAGE ANNUAL % CHANGE		**3.4**		**6.0**		**2.5**

Source: LVCVA

HOUSE_OVERSIGHT_018770

Strong Increase in Convention Attendance

With 11 million square feet of existing and planned convention space, Las Vegas is one of the world's most convention destinations. The Las Vegas Convention Center is the primary Las Vegas convention venue, a state-of-the-art facility, which features 3.2 million square-feet of exhibit and meeting space, and will soon expand to 5.8 million square feet. The following demonstrates the strong increase of convention attendance during the previous five years:

CONVENTION VISITATION

YEAR	TOTAL VISITORS	% CHANGE
1983	943,611	---
1984	1,050,916	11.4
1985	1,072,629	2.1
1986	1,519,421	41.7
1987	1,677,716	10.4
1988	1,702,158	1.5
1989	1,508,842	(11.4)
1990	1,742,194	15.5
1991	1,794,444	3.0
1992	1,969,435	9.8
1993	2,439,734	23.9
1994	2,684,171	10.0
1995	2,924,879	9.0
1996	3,305,507	13.0
1997	3,519,424	6.5
1998	3,301,705	(6.2)
1999	3,772,726	14.3
2000	3,853,363	2.1
2001	5,014,240	30.1
2002	5,105,450	1.8
2003	5,657,796	10.8
2004	5,724,864	1.2
2005	6,166,194	7.7
2006	6,307,961	2.3
2007	6,209,253	(1.6)
2008	5,899,725	(5.0)
2009	4,492,275	(23.9)
2010	4,473,134	(0.4)
2011	4,865,272	8.8
2012	4,944,014	1.6
2013	5,107,416	3.3
2014	5,169,054	1.2
Annual Compound % Change		5.6

Source: LVCVA

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4 Million Square Feet of Convention Space in Development

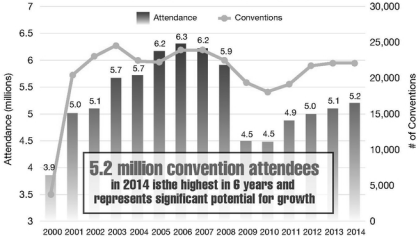
Indicative of the strong growth in convention demand, in February 2015 the Las Vegas Convention and Visitors Authority (LVCVA) acquired the former Riviera hotel located on 23-acres for $182.5 million. A planned $40 million demolition during 2015-2016 of the former hotel will lay the foundation for a $2.5 billion expansion of the Las Vegas Convention Center, increasing convention capacity to 5.8 million square feet. The expansion will transform the current convention center, rebranded as the Las Vegas Global Business District, and support the demand growth projected to be an additional 500,000 visitors per year.

Phase One is currently underway and includes developing 750,000 square-feet of new exhibit space and 187,500 square-feet of supporting meeting space, renovating and upgrading the existing facility, incorporating touch screens, faster Internet speeds, new restaurants and an updated façade. Phase II includes the expansion onto the former Riviera site from a current total footprint of 3.2 million square-feet to 5.7 million square-feet of space, with new street infrastructure and new centralized transportation hub for the entire city. Additionally, the expansion project will include development of a new office park in the neighborhood surrounding the center.

In addition to the LVCVA space, 350,000 square feet of convention space at Mandalay Bay and 1,000,000 square feet of convention space at Genting Group's Resorts World are under construction.

The $2.5 billion convention center expansion will generate an increase in demand of 500,000 visitors per year

LAS VEGAS CONVENTION STATISTICS



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Development on the Strip

With approximately $21 billion in high-profile developments completed since 2008, the Strip has attracted significant investment capital from both ownership entities that already possess a significant stake in the future success of the Strip and new capital sources seeking to benefit from Las Vegas' exceptional long-term fundamentals. Resort and casino ownership is largely consolidated among operators that are devoted to continuing to increase visitation levels by upgrading the Las Vegas experience.

RECENT LAS VEGAS STRIP DEVELOPMENTS – 2013 TO 2018

PROPERTY	COST ($ MILLIONS)	CONVENTION SPACE (SF)	ROOMS TIMESHARE	ROOMS HOTEL	COMPLETED
2013					
Caesars Palace - Nobu Hotel (former Centurion)	$30			180	February 2013
The LINQ (Phase 1)	$550				Fall 2013
TOTAL 2013	$580	0		180	
2014					
The Grandview at Las Vegas	$55			400	February 2014
The LINQ (Phase 2)	$230			849	February 2014
The Cromwell (Rebrand / Remodel)	$185				May 2014
New York New York / Monte Carlo (Open Air Plaza)	$50				June 2014
SLS Las Vegas (Rebrand / Remodel)	$415	80,000		1,613	August 2014
Delano (Reband / Remodel)	$80				September 2014
Red Rock Casino (Renovation)	$35				Fall 2014
Golden Nugget (Remodel)	$15				December 2014
TOTAL 2014	$1,065	80,000		2,862	
2015					
Wyndham Desert Blue	$172			281	March 2015
Bellagio (Renovation)	$55				April 2015
The Grand Bazaar Shops	$50				February 2015
Caesars Palace (Omnia Nightclub)	$38				March 2015
Treasure Island	$15				April 2015
Galleria at Sunset	$26				Spring 2015
Rock in Rio (MGM Resorts Festival Grounds)	$20				May 2015
TOTAL 2015	$376	0		281	

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FUTURE DEVELOPMENT

PROPERTY	COST ($ MILLIONS)	CONVENTION SPACE (SF)	ROOMS TIMESHARE	ROOMS HOTEL	COMPLETED
2016					
MGM Resorts International Areana (Indoor Arena)	$375				April 2016
Mandalay Bay Resort & Casino (Renovation)	$66				January 2016
Topgolf Las Vegas (Renovation)	$50				Spring 2016
Toshiba Plaza	$66				January 2016
Henderson Space and Science Center	$63				Spring 2016
Thomas & Mack Center (Renovation)	$47				Spring 2016
Tropicana Las Vegas (Renovation)	$20				Spring 2016
Boulevard Mall (Redevelopment)	$23				Fall 2016
TOTAL 2016	**$710**	**0**		**0**	
2018					
All Net Resort and Arena	$1,400				CY 2018
Resorts World Las Vegas (Phase 1)	$4,000				Spring 2018
TOTAL 2018	$5,400	0		0	
TOTAL FUTURE DEVELOPMENT	$6,110	0		0	

Significant Projects

Resorts World Las Vegas – In 2013, the Genting Group purchased the 87-acre, former Echelon site on the northern end of the Strip for $350 million. Branded Resorts World, the planned Chinese Village-themed, four-phased mega-resort broke ground June 2015 with opening planned in 2018. Construction of Phase I on the multi-phased project is planned for 3,000-rooms, 22-villas, 3,500-gaming machines, a 100,000-square-foot casino/gaming floor, 500,000-square-foot convention center, dozens of dining options, more than 15-retail stores, a center bar with live entertainment, a 50,000-square-foot, 58-foot tall exotic aquarium, and the highest observation deck and sky park in the city. Subsequent phases will add additional hotel rooms, gaming space, convention center space, a Great Wall of China replica, a live panda exhibit, an indoor water park, a bowling alley, a movie theater, and a 4,200-seat rotating theater.

Wyndham Desert Blue Time Share – The 19-story, 281-unit timeshare on Twain Avenue just west of Interstate 15 opened in July 2015.

The Park by MGM – The Park is currently under construction between and around New York-New York and Monte Carlo. The eight-acre site will feature natural desert landscaping, cobblestone walkways, and several unique water features. Man-made structures will proved shade during the day and will light up at night. The outdoor space will feature live entertainment, patio style seating throughout, ample shopping and indoor/outdoor dining options. This new venue between New York-New York and Monte Carlo will connect The Park with the new Arena, and both will open concurrently in the spring of 2016.

The Arena (MGM Resorts) – Construction broke ground in May 2014 on a 16-acre, $375-million entertainment district located between Monte Carlo and New York-New York. The MGM Resorts/AEG collaboration will consist of an indoor arena that will feature 20,000-seats, 50-luxury suites, more than two-dozen private loge boxes, club seating, and other specially designed exclusive hospitality offerings and dining pavilions. Expected to hold more than 100-events annually, The Arena will be hosting concerts, red-carpet award shows, professional sports events such as basketball or hockey, boxing, mixed martial arts, and other major functions. Construction is slated for completion in Spring 2016 and will open concurrently with The Park.

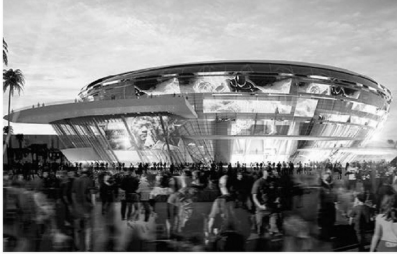
The Grand Bazaar Shops (Bally's) – The $50-million outdoor retail complex is located on the southeast corner of Las Vegas Boulevard and Flamingo Road, in the front portion of the property. Inspired by great markets from around the world, the shops contains 110-stores, including Swatch, Superdry, Havaianas, and Campo Marzio. More than a third of the property will feature restaurants, bars and food outlets. The main feature of the bazaar shops is an eye-catching tower called the Swarovski Crystal Starburst. The tower is positioned over the brand's store and displays a midnight show of lights and music. The retail complex opened in January 2015.

City of Rock (MGM Resorts) – Opened in May 2015, City of Rock is located on the southwest corner of East Sahara Avenue and South Las Vegas Boulevard. The $30-million open air venue is home to one of the largest music festival venues in the world, Rock in Rio (RiR). The venue has a capacity of 85,000, and during RiR, it will feature six stages, a Ferris wheel, a zipline, shopping and themed food courts. The Rock in Rio festival will held biennially, and MGM plans to use the site for other mega festivals, athletic events and concerts when not in use for RiR.

All Net Resort Arena – is being built at a cost of approximately $1.4 billion and is set to open in early 2018 on the north end of the Las Vegas Strip. In addition to a spectacular 860,000-square-foot arena that is able to host big ticket events, the complex includes the Victory Plaza shopping and dining district and a 44-story hotel with 500 specialty suites. The arena at the All Net Resort features a unique retractable roof. The Victory Plaza area covers 300,000 square feet and is a pedestrian-only plaza that offers something akin to the Times Square experience in New York.

Mandalay Bay Convention Center (Phase 1 & 2) – A $66-million expansion on the Mandalay Bay Convention Center completed is scheduled to complete January 2016. Construction on Phase 1 completed July 2015 adding more than 350,000-square-feet of exhibit space, as well as underground parking. Phase 2 of the expansion will include 70,000-square-feet of additional ballroom space that will be divisible by five breakout areas for corporate groups. When completed, the convention center will total 2,050,000 square feet.

Shops at Tropicana – A new, $100-million, 275,000-square-foot, two-story, enclosed shopping mall will feature luxe retail, a food court on the ground floor with five new boutique restaurants and two Strip-facing restaurants. The project is expected to begin in fall 2015 with an anticipated completion date in the 2017.

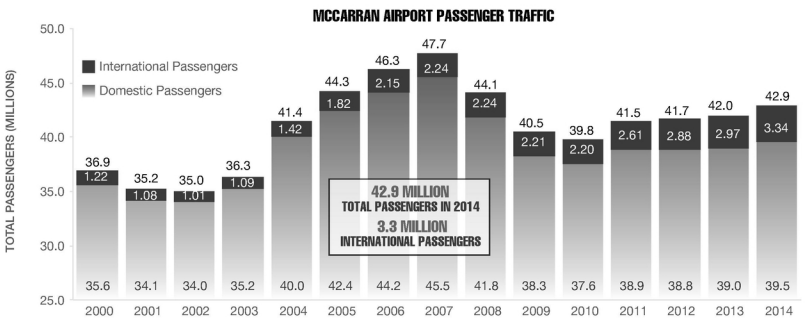


The Site is Visible to Over 42 Million Visitors Per Year

MCCARRAN INTERNATIONAL AIRPORT EXPANSION

McCarran International Airport is one of the busiest airports in the country. McCarran serves both short and long haul markets, along with international markets. In 2014, Airports Council International ranked McCarran ninth in North America and 25th in the world for passenger traffic, with approximately 43 million arriving and departing passengers each year. 2014 observed an increase of over 1 million more passengers over 2013, or a 2.4% increase in traffic. With over 30 air carriers, McCarran provides nonstop service to domestic and international destinations including Canada, Germany, Mexico, the United Kingdom and South Korea. 2014 was the highest year on record for international tourism, with over 3.3 million visitors to the Strip.

Major expansion and improvements totaling $3.5 billion include Terminal 3 that opened in 2012 and the new $100 million control tower was completed in early 2015. The 1.9 million-square-foot expansion of Terminal 3 increased the airport's annual capacity to approximately 55 million passengers.



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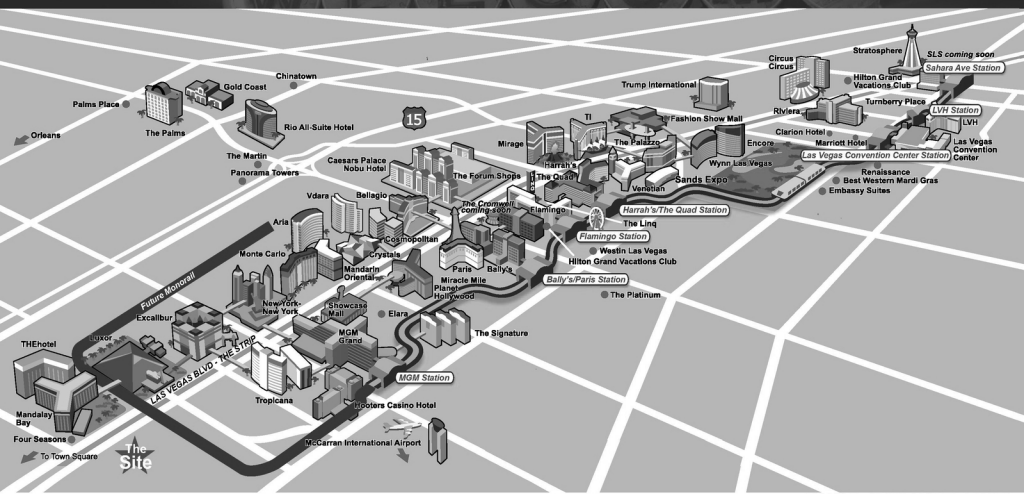
Las Vegas Monorail

Plans for the expansion of the Monorail place the line and potential stops adjacent to the Site. The Las Vegas Monorail is a six-stop, elevated train system that travels along a 3.9-mile route connecting major hotels and attractions along the Strip. It enables passengers to travel the length of the resort corridor beginning at the MGM Grand with stops at Bally's/Paris, Flamingo/Caesars Palace, Harrah's/Imperial Palace, Las Vegas Convention Center, the hotel called LVH and ending at the intersection of Sahara Avenue and Las Vegas Boulevard. The train is capable of transporting 3,200 passengers per hour in each direction and has carried over 50 million passengers.



THE
MANDALAY BAY

Market Analysis

Overview

The Site is located within the Las Vegas Strip Gaming Enterprise Zoning District (the "GED"). The GED supports the expansion of gaming and entertainment activities and associated resort hotels. This zoning designation offers an extremely flexible development approval process offering a number of potential uses that can include, but are not limited to any combination of:

- Themed Resort and Hotel
- Casino and Gaming
- Condominiums
- Luxury/Upscale Retail
- Timeshares
- Dining and Entertainment

2014 LAS VEGAS STATISTICS	
Visitor Volume	41,126,512
Hotel Room Inventory	150,544
Strip ADR	$248.89
Strip Occupancy	90.2%
Strip RevPar	$224.49
Convention Attendance	5,169,054
Convention Meetings	22,103
Clark County Gaming Revenue	$9,554,002,000
Las Vegas Strip Gaming Revenue	$6,372,526,000

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Las Vegas Resort Hotel Market

The Las Vegas lodging market has historically attained occupancy levels well above the national average. The following table presents an analysis of the Las Vegas lodging market since 1985:

LAS VEGAS LODGING STATISTICS

YEAR	INVENTORY	% CHANGE	HOTEL OCCUPANCY	% CHANGE	MOTEL OCCUPANCY	% CHANGE	TOTAL OCCUPANCY	% CHANGE	TOTAL ROOMS OCCUPIED	% CHANGE
1985	53,067	---	84.7	---	70.1	---	79.8	---	15,456,825	---
1986	56,494	6.5	86.3	1.9	70.9	1.1	81.4	2.0	16,784,932	8.6
1987	58,474	3.5	87.0	0.8	74.0	4.4	83.4	2.5	17,800,070	6.0
1988	61,394	5.0	89.3	2.6	73.7	(0.4)	85.1	2.0	19,069,897	7.1
1989	67,391	9.8	89.9	0.7	72.5	(1.6)	85.2	0.1	20,957,253	9.9
1990	73,730	9.4	89.1	(0.9)	69.8	(3.7)	84.7	(0.6)	22,793,998	8.8
1991	76,879	4.3	85.2	(4.4)	62.6	(10.3)	80.3	(5.2)	22,532,851	(1.1)
1992	76,523	(0.5)	88.8	4.2	66.1	5.6	83.9	4.5	23,434,021	4.0
1993	86,053	12.5	92.6	4.3	69.7	5.4	87.6	4.4	27,514,586	17.4
1994	88,560	2.9	92.6	0.0	73.2	5.0	89.0	1.6	28,768,716	4.6
1995	90,046	1.7	91.4	(1.3)	72.4	(1.1)	88.0	(1.1)	28,922,775	0.5
1996	99,072	10.0	93.4	2.2	75.7	4.6	90.4	2.7	32,689,797	13.0
1997	105,347	6.3	90.3	(3.3)	68.8	(9.1)	86.4	(4.4)	33,222,230	1.6
1998	109,365	3.8	90.3	0.0	67.3	(2.2)	85.8	(0.7)	34,249,837	3.1
1999	120,294	10.0	92.1	2.0	68.6	1.9	88.0	2.6	38,638,433	12.8
2000	124,270	3.3	92.5	0.4	71.9	4.8	89.1	1.3	40,414,468	4.6
2001	126,610	1.9	88.9	(3.9)	63.8	(11.3)	84.7	(4.9)	39,142,115	(3.1)
2002	126,787	0.1	88.8	(0.1)	60.2	(5.6)	84.0	(0.8)	38,859,613	(0.7)
2003	130,482	2.9	89.6	0.9	60.5	0.5	85.0	1.2	39,760,735	2.3
2004	131,503	0.8	92.0	2.7	68.7	13.6	88.6	4.2	41,953,010	5.5
2005	133,186	1.3	91.8	(0.2)	72.0	4.8	89.2	0.7	43,362,698	3.4
2006	132,605	(0.4)	93.2	1.5	65.2	(9.4)	94.6	6.1	45,787,180	5.6
2007	132,947	0.3	94.0	0.9	64.5	(1.1)	90.4	(4.4)	43,867,192	(4.2)
2008	140,529	5.7	89.8	(4.5)	57.8	(10.4)	86.0	(4.9)	42,967,252	(2.1)
2009	148,941	6.0	85.3	(5.0)	50.1	(13.3)	81.5	(5.2)	41,986,134	(2.3)
2010	148,935	(0.0)	83.5	(2.1)	52.0	3.8	80.4	(1.3)	43,365,743	3.3
2011	150,161	0.8	86.9	4.1	56.0	7.7	83.8	4.2	45,654,165	5.3
2012	150,481	0.2	87.4	0.6	58.0	3.6	84.4	0.7	46,479,707	1.8
2013	150,593	0.1	87.1	(0.3)	59.8	3.1	84.3	(0.1)	46,191,449	(0.6)
2014	150,544	(0.0)	89.1	2.3	65.0	8.7	86.8	3.0	47,497,234	2.8
AVERAGE ANNUAL % CHANGE		**3.7**		**0.2**		**(0.3)**		**0.3**		**3.9**
YTD 5/14	149,347	---	90.2	---	66.8	---	87.9	---	19,909,507	---
YTD 5/15	149,352	0.0	89.1	(1.2)	67.0	0.3	87.0	(1.0)	19,758,379	(0.8)

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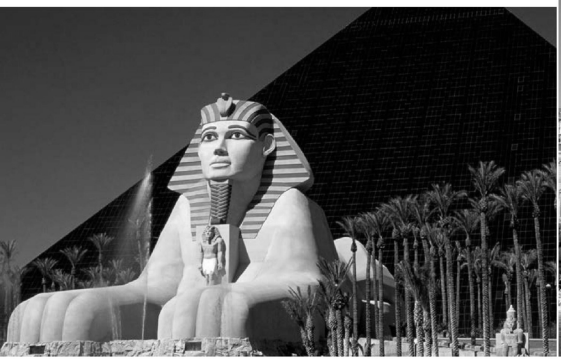
Luxury Resort Hotel Comparables

The following provides an overview of the anticipated competitive set for a future hotel resort development at the Site. The more recently opened properties are the Aria (as part of CityCenter) in 2009 and the Cosmopolitan in 2010 Venetian/Palazzo and Wynn/Encore opened in January and December of 2008, respectively. New 'boutique' entrants to the Strip opening in 2014 include The Cromwell Las Vegas, an upscale boutique property backed by Caesars Entertainment and SLS Las Vegas. It should be noted that all of the newer properties are geared toward the upper end of the market.

In May 2015, Genting Gaming announced the ground breaking of Resorts World Las Vegas. Following this in June 2015, Crown Resorts announced the purchase of the former Frontier site for the development of Alon. These two projects will add approximately 4,000 high-end rooms to the Strip market.



SELECT LUXURY RESORTS AND CASINOS

	ARIA RESORT & CASINO	BELLAGIO	THE COSMOPOLITAN	VENETIAN / PALLAZZO	WYNN / ENCORE
Hotel Summary					
Owner	MGM Resorts Intl.	MGM Resorts Intl.	Blackstone	Las Vegas Sands Corp.	Wynn Resorts Ltd.
Height	600	508	604	642	631
Acres	n/a	76.00	8.45	67.00	215.00
Total Guest Rooms	4,004	3,933	2,959	7,095	4,750
2014 Average Daily Rate	$217	$254	$307	$223	$274
2014 Occupancy	93%	93%	94%	88%	87%
2014 RevPar	$202	$236	$287	$196	$238
Casino/Gaming Summary					
Total Square Feet	150,000	156,000	99,719	225,000	186,000
# of Slot Machines	1,969	1,895	1,373	2,350	1,864
# of Tables	122	132	129	240	235
2014 Casino Revenue	$422,979,000	n/a	$203,247,000	$509,205,000	$687,436,000
Retail Summary					
Retail	The Shops at Crystals	Via Bellagio	n/a	Grand Canal Shoppes	Wynn Esplanade
Total Square Feet	500,000	44,000	35,744	875,000	99,000
# of Shops	57	12	16	160	25
Key Tenants	Louis Vuitton, Dolce & Gabbana, Tiffany & Co., Roberto Vavalli, Bulgari, Cartier, Van Cleef & Arpels, Mikimoto	Bottega Veneta, Breguet, Chanel, Dior, Fendi, Giorgio Armani, Gucci, Harry Winston, Hermes, Louis Vuitton, Prada,Tiffany & Co.	Allsaints, Spitalfields, Sneaker Boutique, Dna2050, Jason of Beverly Hills, Molly Brown's Swimwear, Rent the Runway, Stitched	Barney's, Christian Louboutin, Tory Burch, Jimmy choo, Burberry, Fendi, Diane von Furstenberg, Michael Kors, Sephora, Swarovski	Alexander McQueen, Cartier, Chanel, Dior, Givenchy, Hermès, Louis Vuitton, Manolo Blahnik, Oscar de la Renta, Rolex
Entertainment Summary					
# of Restaurants	16	20	13	38	13
# of Bars & Nightclubs	10	7	8	11	11
Convention/Meeting SF	300,000	200,000	151,500	2,300,000	284,000
Spa Square SF	80,000	55,000	50,000	134,000	n/a

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Gaming Supply and Demand Analysis

Las Vegas is recognized worldwide as a premier gaming destination. From traditional card and dice games, to slot machines and race and sports book betting, the casino industry has flourished and evolved into an international phenomenon. A significant portion of the visitor revenue generated in the city is attributed to the gaming industry, which posted $9.6 billion in revenue in 2014.

The initial step in analyzing supply and demand trends within a given gaming market is to quantify the existing level of gaming inventory. To quantify gaming supply levels, a review of all competitive gaming facilities is performed. Once the market's supply level is known, an analysis of the demand for gaming facilities is performed.

Unlike traditional economic models of supply and demand, the price variable associated with gaming is largely determined by the consumer. Gaming is an intangible product: the consumer is purchasing the "experience" and "excitement" casino gaming offers. The price that the consumer is willing to pay for this experience is known as the "win," and is quantified on a per-unit basis known as the "win per unit per day" (WPUPD). Research indicates that the WPUPD, or the price a market can bear for gaming activity, is highly correlated to the level of available gaming inventory. The actual WPUPD attained by a market, say $100 per gaming position, and provides an indication of the marketwide demand for gaming. As will be further discussed, these demand levels within a market can be estimated through an analysis of the actual WPUPD attained by the market. Historical fluctuations in the marketwide WPUPD at various levels of supply can provide insight into the future demand for gaming. Further impacting the demand for gaming facilities in the market are current and projected trends in economic and demographic factors such as population base, employment, disposable income levels, and visitation statistics. In addition, seasonal fluctuations must be taken into consideration when analyzing demand trends.

Once the various demand trends have been identified, a variety of analytical methodologies may be employed to forecast gaming revenue for an overall market or an individual property.

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Gaming Supply Analysis

The following table presents an overview of the competitive themed Casino Resort properties as of year-end 2014 operating within the Las Vegas Strip submarket. These properties contained 33,505 gaming devices and 1,979 table games.

COMPETITIVE SUMMARY

CASINO	OWNER	ROOMS	CASINO SQUARE FOOTAGE	CASINO SF PER ROOM	GAMING DEVICES	TABLE GAMES
SLS Las Vegas	Stockbridge	1,613	54,000	33.5	806	77
The Cosmopolitan of Las Vegas	Blackstone Group	2,960	110,000	37.2	1,360	124
Bally's Casino Resort	Caesars Entertainment	2,814	66,187	23.5	999	58
Bellagio	MGM Resorts International	3,933	159,734	40.6	1,977	110
Caesars Palace	Caesars Entertainment	3,340	136,573	40.9	1,265	98
Aria	MGM Resorts International	4,004	200,544	50.1	1,726	101
Excalibur	MGM Resorts International	3,991	89,074	22.3	1,202	72
Flamingo Hilton	Caesars Entertainment	3,565	61,000	17.1	1,100	100
Harrah's Las Vegas	Caesars Entertainment	2,526	90,041	35.6	1,206	85
Luxor	MGM Resort International	4,408	100,000	22.7	1,250	75
Mandalay Bay	MGM Resort International	4,332	160,344	37.0	1,500	90
MGM Grand	MGM Resort International	5,001	161,675	32.3	1,850	98
Mirage	MGM Resort International	3,044	95,900	31.5	1,760	80
Monte Carlo	MGM Resort International	3,213	102,207	31.8	1,400	55
New York-New York	MGM Resort International	2,024	64,269	31.8	1,350	51
Palace Station	Station Casinos	1,028	84,000	81.7	1,713	37
Palms	George Maloof	703	55,689	79.2	1,317	45
Paris	Caesars Entertainment	2,916	95,195	32.6	1,014	77
Planet Hollywood	Caesars Entertainment	2,496	116,000	46.5	1,095	71
Riviera	Riviera Holding Corp.	2,072	103,800	50.1	1,000	30
Treasure Island	Phil Ruffin	2,885	55,680	19.3	1,335	61
Tropicana Resort and Casino	Onex Corp.	1,878	62,011	33.0	892	40
Venetian/Palazzo	Las Vegas Sands, Inc.	7,095	138,684	19.5	2,287	185
Wynn/Encore	Wynn Resorts	4,750	109,900	23.1	2,101	159
TOTAL		**76,591**	**2,362,607**	**30.8**	**33,505**	**1,979**

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Gaming Demand Analysis

The win per unit per day (WPUPD) statistic provides the basis for the analysis and projection of table game and gaming device revenues. WPUPD is calculated by dividing total gaming revenues generated by a particular type of gaming unit by the number of gaming units available. Overall, the market for gaming devices exhibited high levels of demand and absorption as evidenced by increasing WPUPD and overall win levels during periods of increasing inventory.

The following exhibit summarizes the strong performance of the Strip gaming market within the industry standard "Casinos earning $72M and Over".

LAS VEGAS STRIP $72 MILLION AND OVER GAMING DEVICES

	YEAR	WIN (000S)	% CHANGE	UNITS	% CHANGE	WPUPD	% CHANGE
1	1996	$1,442,375	---	37,197	---	$106	---
2	1997	1,486,193	3.0	39,033	4.9	$104	(1.5)
3	1998	1,719,351	15.7	45,078	15.5	$104	0.2
4	1999	1,928,428	12.2	47,962	6.4	$110	5.4
5	2000	2,107,673	9.3	50,203	4.7	$115	4.1
6	2001	2,055,412	(2.5)	47,175	(6.0)	$119	4.1
7	2002	2,111,912	2.7	47,181	0.0	$123	2.7
8	2003	2,160,261	2.3	43,787	(7.2)	$135	10.2
9	2004	2,535,568	17.4	44,989	2.7	$154	13.9
10	2005	2,789,933	10.0	43,377	(3.6)	$176	14.4
11	2006	3,059,179	9.7	41,753	(3.7)	$201	13.9
12	2007	3,142,884	2.7	40,049	(4.1)	$215	7.1
13	2008	2,850,965	(9.3)	40,153	0.3	$194	(9.8)
14	2009	2,495,093	(12.5)	39,288	(2.2)	$174	(10.3)
15	2010	2,437,193	(2.3)	38,032	(3.2)	$176	0.9
16	2011	2,483,244	1.9	36,685	(3.5)	$185	5.6
17	2012	2,553,266	2.8	35,452	(3.4)	$197	6.1
18	2013	2,593,138	1.6	34,589	(2.4)	$205	4.4
19	2014	2,546,721	(1.8)	33,504	(3.1)	$208	1.4
AVG. ANNUAL % CHANGE			**3.2**		**(0.6)**		**3.8**

Source: Las Vegas Gaming Control Board

HOUSE_OVERSIGHT_018787

Gaming Demand Analysis

Demand for gaming can be classified into four primary sources: the leisure segment, local residents, tour and travel groups and convention demand.

LEISURE DEMAND

Leisure visitation to Las Vegas is enormous with visitors taking advantage of the year-round favorable climate and multitude of attractions. The leisure segment utilizes both table games and gaming devices and has a higher propensity to play table games than other segments. According to the Las Vegas Convention Authority Visitors Profile Study, in 2014 approximately 47% of all visitors mentioned vacation or pleasure, up significantly from 41% in 2013. Of those polled, 71% of all visitors said they gambled while in Las Vegas with an average gambling budget of $530.

LOCAL DEMAND

Local demand plays a part in gaming revenue contribution to the Las Vegas market. However, the local segment's impact on the Las Vegas Strip is moderate. According to the Las Vegas Convention and Visitors Authority, 13% of locals gamble on the Strip with 45% gambling at least once per week and 75% gambling at least once per month.

TOUR AND TRAVEL DEMAND

Las Vegas welcomed a record 41.1 million visitors in 2014, an all time record. Las Vegas tourism generates more than $45 billion in economic impact for the local economy and supports 376,000 local jobs. Las Vegas is recognized worldwide as a premier gaming destination. From traditional card and dice games, to slot machines and race and sports book betting, the casino industry has flourished and evolved into an international phenomenon. A significant portion of the visitor revenue generated in the city is attributed to the gaming industry, which posted $9.6 billion in revenue in 2014.

CONVENTION DEMAND

Convention demand within the Las Vegas market is significant. Las Vegas was the most popular trade destination (with a 25% market share of the Trade Show Week 200 Shows in terms of net square footage) and third most popular convention destination in the nation. In 1990, approximately 1.7 million persons attended trade shows and conventions in Las Vegas; In 2014, convention attendance was up to 5.2 million, an increase of 8% annually over the last 25 years. Future convention expansion in demand is anticipated to see these rates of growth continue for the foreseeable future.

HOUSE_OVERSIGHT_018788

Multifamily Housing and Condominium Overview

With an increase in demand for luxury living accommodations in Las Vegas and a 100% sell out of the existing supply of recently delivered residential units, condominium prices have increased dramatically. The depth of demand far exceeds the amount of new supply forecasted over the next five years. In addition, the economies of scale associated with new residential, retail, hotel and office development on the Las Vegas Strip will only elevate the overall appeal of Strip living - and in turn push condominium values higher.

THE RESIDENCES AT MANDARIN ORIENTAL

3740 S. Las Vegas Blvd

DEVELOPER: MGM Resorts
SUBMARKET: The Strip
YEAR BUILT/SELLOUT: 2009
NUMBER OF HOMES: 225

STATUS	TYPE	SIZE SF	LIST PRICE	LIST PSF	SALE DATE	SOLD PRICE	SOLD PSF	HOA FEES
ACTIVE	3-BED/3-BATHS	3,922	$5,950,000	$1,517	-	-	-	$3,173
ACTIVE	2-BED/2-BATHS	2,998	$3,300,000	$1,101	-	-	-	$2,765
ACTIVE	2-BED/2-BATHS	2,998	$2,799,888	$934	-	-		$2,535
SOLD	3-BED/3-BATHS	5,628	$5,400,000	$959	3/23/15	$5,400,000	$959	$5,628
SOLD	3-BED/3-BATHS	3,922	$4,750,000	$1,211	5/20/15	$3,875,000	$988	$3,344
SOLD	3-BED/3-BATHS	3,980	$3,975,000	$999	3/31/15	$3,800,000	$955	$3,386
SOLD	2-BED/2-BATHS	2,755	$3,400,000	$1,234	5/20/15	$3,400,000	$1,234	$2,512
SOLD	2-BED/2-BATHS	2,755	$2,900,000	$1,053	12/31/14	$2,900,000	$1,053	$2,575

HOUSE_OVERSIGHT_018789

VEER TOWERS

3722 S. Vegas Blvd

DEVELOPER: MGM Resprts Internationa
SUBMARKET: The Strip
YEAR BUILT/SELLOUT: 2010
NUMBER OF HOMES: 674

STATUS	TYPE	SIZE SF	LIST PRICE	LIST PSF	SALE DATE	SOLD PRICE	SOLD PSF	HOA FEES
ACTIVE	3-BED/3-BATHS	3328	$2,995,000	$900	-	-	-	$2,053

PANORAMA TOWERS

4525 Dean Martin Dr

DEVELOPER: Laurence Hallier
SUBMARKET: Off Strip
YEAR BUILT/SELLOUT: 2006
NUMBER OF HOMES: 2006

STATUS	TYPE	SIZE SF	LIST PRICE	LIST PSF	SALE DATE	SOLD PRICE	SOLD PSF	HOA FEES
ACTIVE	3-BED/3-BATHS	4,820	$2,950,000	$612	-	-	-	$3,120
ACTIVE	2-BED/2-BATHS	3,414	$2,199,000	$644	-	-	-	$2,116

HOUSE_OVERSIGHT_018790

TRUMP TOWERS

2000 Fashion Show Drive

DEVELOPER: Donald Trump
SUBMARKET: The Strip
YEAR BUILT/SELLOUT: 2008
NUMBER OF HOMES: 430

STATUS	TYPE	SIZE SF	LIST PRICE	LIST PSF	SALE DATE	SOLD PRICE	SOLD PSF	HOA FEES
ACTIVE	3-BED/3-BATHS	3340	$3,350,000	$1,003	-	-	-	$2,877
ACTIVE	3-BED/3-BATHS	3329	$2,099,000	$631	-	-	-	$3,038

BELLAGIO
Paris
NEW YORK
NEW YORK
Excalibur
MGM GRAND
Tropicana
LUXOR
MANDALAY BAY
MANDALAY BAY

Las Vegas Retail Market

Overview

The Las Vegas Strip has historically outperformed competitive U.S. retail markets and continues to experience very strong absorption of new construction, low vacancy rates, and an abundance of retail tenants seeking to access high-traffic pedestrian locations. These factors together with controlled levels of new development will cause significant long-term rent increases across the submarket.

Increasing Levels of Visitor Spending – More than half of the 41 million visitors to Las Vegas each year spend time shopping along the Las Vegas Strip. Average per capita visitor spending on shopping, dining and entertainment during 2014 was $815. As demonstrated in the exhibit below, consumers are allocating a larger percentage of their total spending on shopping and entertainment.

ECONOMIC VISITOR PROFILE 2008 – 2014

	2008	2009	2010	2011	2012	2013	2014
Average number of adults in immediate Party	2.4	2.4	2.4	2.3	2.4	2.4	2.4
Proportion of visitors with persons under 21 in their immediate party	6.0%	8.0%	7.0%	10.0%	11.0%	10.0%	10.0%
Proportion of visitors who stayed overnight	99.6%	99.8%	99.3%	99.8%	99.7%	99.8%	99.6%
Days stayed (average)	4.5	4.6	4.6	4.7	4.3	4.3	4.2
Nights stayed (average)	3.5	3.6	3.6	3.7	3.3	3.3	3.2
Proportion of visitors who stayed in a hotel or motel room	94.0%	96.0%	95.0%	95.0%	96.0%	96.0%	96.0%
Number of room occupants	2.1	2.1	2	2.1	2.1	2.2	2.1
Lodging expenditures (average per night)	$101.68	$75.78	$79.64	$84.04	$93.13	$83.62	$86.55
Proportion of visitors who bought a package or travel group trip	15.0%	15.0%	16.0%	18.0%	14.0%	13.0%	18.0%
Average cost of package per person	$746.69	$640.29	$651.02	$757.83	$743.65	$868.24	$815.14
Average trip expenditures of food and drink	$273.39	$250.32	$256.82	$274.69	$256.11	$278.95	$281.88
Average trip expenditures for local transportation	$59.26	$53.31	$62.87	$64.25	$57.77	$59.68	$68.83
Average trip expenditures for shopping	$121.90	$101.97	$122.80	$129.34	$149.29	$140.90	$149.77
Average trip expenditures for shows	$51.64	$39.87	$49.28	$47.52	$42.89	$38.45	$47.56
Average trip expenditures for sightseeing	$7.12	$5.77	$7.21	$10.24	$9.63	$9.29	$14.49
Average trip gambling budget	$531.98	$481.57	$466.20	$447.63	$484.70	$529.57	$530.11

HOUSE_OVERSIGHT_018793

The Strip contains some of the highest visitor counts and retail sales per square foot in the world. High profile retail properties that would compete with a future luxury or lifestyle retail development at the Site are summarized below.

Located just south of the Site, **Town Square Las Vegas** contains a world-class 902,000 square-foot regional lifestyle center anchored by Apple, AMC Cinemas, Whole Foods, H&M, Old Navy, Staples, Guitar Center and a recently opened Saks Off Fifth Avenue.

Fashion Show Mall, a ±1.9 million square-foot regional mall, is located at the northwest corner of Las Vegas Boulevard and Sands Avenue. It underwent a $1 billion expansion and renovation in 2003. Anchors at this high-end fashion mall include Neiman-Marcus, Nordstrom, Saks, Robinson-May, Dillard's, Macy's and Bloomingdales Home.

Built in 1992, **Forum Shops** contains ±510,000 square feet. Major tenants include Niketown and high-end fashion houses such as Hugo Boss, Armani, Burberry, Christian Dior, Ferragamo, and Valentino.

The Grand Canal Shoppes at The Venetian is located on the second floor of the Venetian Hotel. Built in 1999, this mall contains ±500,000 square feet. It also features specialty shops such as St. John, Cannaletto, Sephora, Ann Taylor, and Bebe. The Palazzo resort opened in early 2008 and The Shoppes contain over 50 international boutiques and is anchored by Barneys New York. Other boutiques include Coach, Ralph Lauren, Burberry, and Christian Louboutin. The newest addition to the retail sector is the Crystals Shopping Center which is located in the City Center Development.

HOUSE_OVERSIGHT_018794

Opened in 2013, **The Linq** is owned by Caesars Entertainment and is Las Vegas' newest dining, shopping, and entertainment district. The focal point is the High Roller, a 550-foot observation wheel -- the tallest in the world -- offering 360 degree views of the Las Vegas valley. This high-energy marketplace offers approximately 40 shops and restaurants in a 200,000-square-foot area. Restaurants and nightlife includes: O'Shea's Casino, Chayo Cocina, Off the Strip Bistro, Purple Zebra, Sprinkles Cupcakes, Starbucks, Ghiradelli, Yard House, Tilted Kilt and Flour & Barley. Shops include The Polaroid Museum, Pier 30, Koto, Bella Scarpa, 12A.M. Run, Chilli Beans, Goorin Bros., Kitson and Ruby Blue. The LINQ Promenade also features Brooklyn Bowl, a music venue that holds a capacity of 2,000-plus concert goers. Brooklyn Bowl has a restaurant, 32 bowling lanes, a section to watch sports during the day, nightly live performances and a nightclub area.

The Crystals Shopping Center includes high end stores such as Blvgari, Cartier, Christian Dior, Fendi, Gucci, Harry Winston, Hermes and Jimmy Choo. Crystals houses over 41 retailers and six restaurants.

The Cosmopolitan opened in December 2010 and contains approximately 38,000 square feet of retail space. The Cosmopolitan retail offers more than 60 specialty shops and boutiques including AllSaints, Spitafields, Beckley, CRSVR Sneaker Boutique, DNA 2050, Droog, Molly Brown's Swimwear, Monogram, Retrospecs & Co., Skins 612 Cosmetics, Stitched, and Vitals. Retail and entertainment attractions include a number of clubs.

Global Retail Location

The Site's location on Las Vegas Boulevard is one of the most highly trafficked shopping and entertainment districts in the world. Las Vegas' unique shopping experience is an integral component of its international identity as a premier entertainment and resort destination. Significant increases in tourism and exciting new resort developments are attracting new retailers from around the globe.

Strong Growth in Tourism and Conventions – Las Vegas tourism and local residents generate retail revenues exceeding $15 billion per year within a 5-mile radius of the Site. The Strip is as an increasingly popular destination for family-oriented and middle-market vacations as well as the nation's most preferred location for conventions and trade shows. During 2015, Las Vegas will attract over 42 million visitors and nearly 5 million convention attendees.

Strong Retail Trade Potential – As demonstrated in the exhibit below, the Site provides significant retail trade potential within a 1-, 3- and 5-mile radius of the location.

RETAIL TRADE POTENTIAL

	1.0 MILE	3.0 MILES	5.0 MILES
Total Retail Potential	$1,493,433,472	$7,414,447,521	$15,213,795,034
Motor Vehicle & Parts Dealers	$23,288,030	$323,988,797	$1,796,642,859
Furniture & Home Furnishings Stores	$14,207,613	$86,794,421	$205,922,033
Electronics & Appliances Stores	$16,175,555	$185,460,629	$461,963,988
Building Material, Garden Equipment Stores	$21,169,480	$304,309,823	$566,970,483
Food & Beverage Stores	$36,293,886	$341,682,473	$946,812,080
Health & Personal Care Stores	$44,228,545	$191,845,413	$476,522,802
Gasoline Stations	$29,830,182	$288,545,852	$591,613,648
Clothing & Clothing Accessories Stores	$434,856,181	$1,434,339,776	$2,325,409,263
Sporting Goods, Hobby, Book, Music Stores	$11,921,901	$83,396,033	$226,418,173
General Merchandise Stores	$169,718,694	$909,634,225	$1,903,876,680
Miscellaneous Store Retailers	$65,322,811	$256,587,817	$519,998,572
Foodservice & Drinking Places	$526,781,823	$1,595,920,727	$2,437,743,867

Under Construction Entertainment Destinations Drive Retail Demand – In addition to mega projects completed in the past few years such as City Center and Crystals, new projects under construction surrounding the Site will significantly increase pedestrian traffic in the immediate area. Situated within two block of the Site, MGM's The Lot, AEG's The Arena, and Mandalay Bay's Convention Center expansion will draw hundreds of thousands of pedestrian foot traffic to the immediate area. Additionally, there are over 450,000 square feet of new lifestyle retail in planning at Tropicana and Las Vegas Boulevard with the Shops at Tropicana and Excalibur.

Expanding Pedestrian Synergies Between New Retail – The Crystals at CityCenter to the north and the Town Square Las Vegas to the south have expanded the retail inventory within three blocks of the Site. Each of the retail projects is a Strip-accessible development, encouraging greater levels of pedestrian traffic along Las Vegas Boulevard. Retailers located within these two projects include: Apple, H&M, Prada, Gucci, Versace, Tom Ford, Mikimoto, Balenciaga, Wolfgang Puck (2 locations), Katana, Louis Vuitton, Zegna, Rolex and Tiffany & Co.
Strong Residential Demand on the Strip Resort Corridor – The Resort Corridor contains the largest concentration of recent vertical high-rise developments in the nation with approximately 10,000 new residences within one mile of the Site. The amenity base on Las Vegas Boulevard has established the Strip as a preferred location for residents.

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2. Mandalay Bay Place

5. The Forum Shops at Caesars

8. Fashion Show Mall

3. Crystals at CityCenter

4. Miracle Mile Shops

6. Grand Canal Shoppes / 6. The Shoppes at the Palazzo

HOUSE_OVERSIGHT_018798

1. TOWN SQUARE LAS VEGAS

Town Square Las Vegas contains a world-class 902,335 square-foot regional lifestyle center anchored by AMC Cinemas, Whole Foods, H&M, Container Store, Gameworks, Old Navy, Staples, Guitar Center and a recently opened Saks Off Fifth Avenue. In addition, Town Center Las Vegas includes approximately 243,000 square feet of Class A office space. The property is approximately 90% occupied with retail rents ranging from $40 to $80 per square foot. Tenant sales are reported to range from $400 to $600 per square foot.

2. MANDALAY PLACE

Mandalay Place was completed in 2003 and is comprised of a 90,000-square-foot un-themed retail center that spans between Mandalay Bay Resort and Casino and Luxor. The property is currently 95% occupied with rents ranging from $60 to $90 per square foot. The center has an array of shops including Nike Golf, Urban Outfitters and Fredrick's of Hollywood. Tenant sales are reported to range from $500 to $600 per square foot.

3.CRYSTALS AT CITYCENTER

Opened in 2009, Crystals at CityCenter is situated on a 67-acre site at the southwest corner of Las Vegas Boulevard South and Harmon Avenue. With over 425,000 square feet of luxury and boutique shopping space, Crystals is the retail anchor of CityCenter's first phase. A select list of world-class retailers at Crystals includes Emilio Pucci, DKNY, Stella McCartney, Assouline, Bally, Bottega Cucinelli, Bulgari, Cartier, Christian Dior, Ermenegildo Zegna, Fendi, Gucci, Hermès, Ilori, Kiton, Louis Vuitton, Marni, Mikimoto, Prada, Tiffany & Co., Versace, and Yves Saint Laurent. Crystal's mantra is "Shopping.Dining.Nightlife," and it offers some of the Strip's premier restaurants and nightclubs including Mastro's Ocean Club, Wolfgang Puck, Beso Steakhouse, The Cup, The Pods, Social House, Todd English P.U.B., and Eve the nightclub. Crystals at CityCenter reported sales ranging from $900 to $1,500 per square foot with rental rates that range from $90 to $120 per square foot.

4. MIRACLE MILE SHOPS

Miracle Mile Shops contains 489,671 square feet and are located at the northeast corner of Las Vegas Boulevard and Harmon Avenue. After Forum Shops and Grand Canal, this was the third major specialty retail project to open on the Strip and is contained within the Planet Hollywood Resort and Casino. Miracle Mile Shops boasts a 1.2-mile retail/entertainment complex with modernized storefronts, people movers, a backlit-sidewalk water feature, LED video screens, crystal chandeliers and contemporary, color-coded kiosks. The center features 170 specialty stores including Urban Outfitters, Ben Sherman, Quiksilver, bebe, Sephora, French Connection, Betsy Johnson, Frederick's of Hollywood, H&M and True Religion Brand Jeans. The property supports 15 restaurants, including Aromi D'Italia, Cabo Wabo Cantina, Pampas Churrascaria Brazilian Grille, La Salsa Cantina, Cheeseburger Las Vegas and Blondies Sports Bar & Grill. Miracle Mile Shops is currently 93% leased with tenant sales levels ranging from $800 to $900 per square foot with rents ranging from $65 to $85 per square foot.

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5. FORUM SHOPS AT CAESARS PALACE

Forum Shops at Caesars Palace, originally constructed in 1992 and expanded in phases during 1997 and 2004, was the first major specialty retail development on Las Vegas Boulevard. Forum Shops has a prominent position on the Strip, situated on the west side of Las Vegas Boulevard, north of Flamingo Road, between Caesars Palace and The Mirage, and is configured with a highly "themed" retail and entertainment environment. The property is 99% leased, attracting an estimated 22 million visitors per year and is generally considered the most dominant retail center on the Strip with 150 specialty tenants that include Anthropologie, Jimmy Choo, Coach, Louis Vuitton, Montblanc, John Varvatos, Victoria's Secret, Versace, BvIgari, Cartier, De Beers, Harry Winston, Tiffany & Co., Abercrombie & Fitch, Armani Exchange, Brooks Brothers, Zegna and Cheesecake Factory. Tenant sales at Forum Shops at Ceasars Palace are approximately $1,000 to $1,200 per square foot with average rents ranging from $100 to $125 per square foot.

6.THE GRAND CANAL SHOPPES

Opened in 1999, the Grand Canal Shoppes at the Venetian was fully leased after three months. Fashioned after the Forum Shops, the property is heavily themed with a canal flowing through the middle of the concourse area. The property consists of 536,890 square feet including mezzanine spaces with current rents ranging from $85 to $110 per square foot. Average tenant sales range from $900 to $950 per square foot, and as a result of the project's immediate success, a second phase connected via pedestrian bridge to the Palazzo Resort was recently developed and dubbed Shoppes at Palazzo. The project is currently 94% leased and includes key tenants; Ann Taylor, Banana Republic, bebe, Coffee Bean and Tea Leaf, Cache, Sephora and Valentino.

7.THE SHOPPES AT PALAZZO

Delivered in 2007 with a Grand Opening in January 2008, the 363,714-square-foot Shoppes at Palazzo is situated within the Palazzo Resort and is an expansion of the highly successful Grand Canal Shoppes. The Shoppes at Palazzo is a three-story enclosed specialty center with heavily themed, decorative characteristics intended to capture the essence of Italy. The center is anchored by Las Vegas' first Barneys New York and features many premier luxury brands including Jimmy Choo, Burberry, Van Cleef & Arpels and Piaget. Upscale restaurants include Emeril Lagasse's Table 10, Wolfgang Puck's Cut and Shimon Bokovza's Sushi Samba. The center is currently 89% occupied with tenant sales ranging from $900 to $925 per square foot and rents ranging from $80 to $100 per square foot.

8. FASHION SHOW MALL

Fashion Show Mall, originally developed in 1981, was expanded in two phases during 2002 and 2003 to its current size of 1.9 million square feet. The property has a significant presence along the Strip, with a 600-foot canopy structure shading the outdoor plaza area fronting Las Vegas Boulevard. The project includes seven department store anchors including Nordstrom, Bloomingdale's, Macy's and Neiman Marcus, as well as 250 specialty stores and restaurants. Fashion Show Mall reports tenant sales ranging from $802 to $983 per square foot and average rents ranging from $80 to $88 per square foot.

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CompetitiveRetail Rent Survey

NO.	PROPERTY	DESCRIPTION	ANCHOR TENANTS	IN-LINE SHOP		VACANCY
				RENT/SF	SALES/SF	
1	Town Square Las Vegas Blvd. & 215 Las Vegas, NV	Sub-Type: Lifestyle Center Year Built: 2008 Total GLA: 900,000	Saks, Whole Foods, Apple	$40 - $80	$400 -$600	10.0%
2	Mandalay Bay Place Las Vegas Blvd. & Tropicana Las Vegas, NV	Sub-Type: Specialty Center Year Built: 2003 Total GLA: 90,000	Retail bridge between Mandalay & Luxor with shops, restaurants	$60 - $90	$500 -$600	5.0%
3	Crystals at CityCenter Las Vegas Blvd. S of Harmon Las Vegas, NV	Sub-Type: Specialty Center Year Built: 2009 Total GLA: 360,000	Upscale specialty retail project on Las Vegas Blvd. in CityCenter	$90 - $120	$900 -$1,500	12.0%
4	Miracle Mile Shops Las Vegas Blvd. & Harmon Las Vegas, NV	Year Built: 2000 Expansion: 2007 Renovation: 2008 Total GLA: 490,000	Specialty retail center at Planet Hollywood	$65 - $85	$800 -$900	7.0%
5	Forum Shops at Caesars Las Vegas Blvd. N of Flamingo Las Vegas, NV	Sub-Type: Specialty Center Year Built: 1992 Expansion: 1997 Rennovation: 2004 Total GLA: 650,000	Upscale/themed retail project at Caesars	$100 - $125	$1,000 -$1,200	1.0%
6	The Grand Canal Shoppes 3377 Las Vegas Blvd. S Las Vegas, NV	Sub-Type: Specialty Center Year Built: 1999 Total GLA: 500,000	Upscale/themed retail project at The Venetian	$85 - $110	$900 -$950	6.0%
7	The Shoppes at the Palazzo 3327 Las Vegas Blvd. S Las Vegas, NV	Sub-Type: Specialty Center Total GLA: 320,000 Anchor GLA: 85,000 Anchor Ratio: 27%	Barney's New York	$80 - $100	$900 -$925	11.0%
8	Fashion Show Mall 3200 Las Vegas Boulevard S. Las Vegas, NV	Sub-Type: Super Regional Center Year Built: 1981 Expansion: 1993 and 2002 Renovation: 2002 Total GLA: 1,868,219 Anchor GLA: 1,259,154 Anchor Ratio: 67%	Dillard's, Nordstrom, Neiman Marcus, Saks Fifth Avenue, Macy's-North, Forever 21	$80 - $100	$800 -$1,000	4.0%

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Retail Construction on Las Vegas Boulevard

The following table summarizes the retail construction on the Las Vegas Strip since 2000.

PROPERTY	ADDRESS / LOCATION	RENTABLE	STATUS
2000 Construction			
Miracle Mile Shops (Desert Passage - Rebranded)	3667 Las Vegas Boulevard	490,000	Complete
Showcase Mall Phase II	3785 Las Vegas Boulevard	40,000	Complete
	TOTAL	**530,000**	
2002 Construction			
Fashion Show Mall Expansion Phase I	3200 Las Vegas Boulevard	450,000	Complete
	TOTAL	**450,000**	
2003 Construction			
Boulevard Collection	Las Vegas Boulevard @ Sahara	50,000	Complete
Mandalay Place	3950 Las Vegas Boulevard	90,000	Complete
	TOTAL	**140,000**	
2004 Construction			
Fashion Show Mall Expansion Phase II	3200 Las Vegas Boulevard	609,500	Complete
Hawaiian Marketplace	3742 Las Vegas Boulevard	80,000	Complete
Forum Shops at Caesars Palace Phase III	3500 Las Vegas Boulevard	167,000	Complete
	TOTAL	**856,500**	
2007 Construction			
The Shoppes at Palazzo	3325 Las Vegas Boulevard	364,000	Complete
Town Square Las Vegas	Las Vegas Blvd @ I-215	925,000	Complete
	TOTAL	**1,289,000**	
2009 Construction			
Crystals at CityCenter	E Harmon Ave @ Las Vegas Blvd	425,000	Complete
Showcase Mall III	Las Vegas Blvd @ Tropicana Ave	97,320	Complete
	TOTAL	**522,320**	

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PROPERTY	ADDRESS / LOCATION	RENTABLE	STATUS
2010 Construction			
Cosmopolitan	Las Vegas Blvd @ Flamingo Rd	38,000	Complete
	TOTAL	**38,000**	
2012 Construction			
Harmon Corner	3717 S Las Vegas Boulevard	110,184	Complete
	TOTAL	**110,184**	
2014 Construction			
The Linq	Las Vegas Blvd @ Caesars Palace Dr.	300,000	Complete
	TOTAL	**300,000**	
2015 Construction			
Shops at TI	Las Vegas Blvd @ Spring Mountain Rd	48,000	Complete
Grand Bazaar Shops	Las Vegas Blvd @ Flamingo Rd	26,500	Complete
	TOTAL	**74,500**	
Under Construction and Planned			
Alon	Las Vegas Blvd @ Riviera Blvd	100,000	Under Construction
ResortWorld	Las Vegas Blvd @ Desert Inn Rd	200,000	Under Construction
Shops at Excalibur	Las Vegas Blvd @ Tropicana	300,000	Planned
Shops at Tropicana	Las Vegas Blvd @ Tropicana	350,000	Planned
	TOTAL	**950,000**	
	TOTAL COMPLETED (SF)	**5,260,504**	
	TOTAL UNDER CONSTRUCTION (SF)	**300,000**	

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2644991-9001

Integra Realty Resources
Caribbean

Appraisal of Going Concern

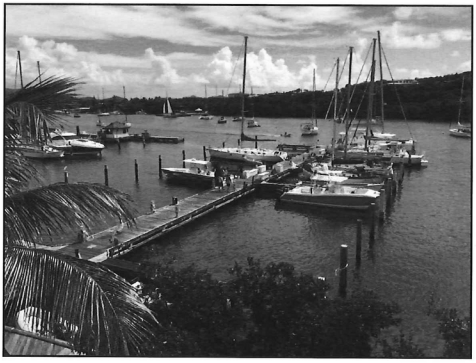
IGY American Yacht Harbor Marina
Mixed Use Property
18A-1, 18-B1,18-B and 18-W Remainder Estate Smith Bay
East End Quarter, St. Thomas, Virgin Islands
Client Reference: 23559

Prepared For:
Banco Popular de Puerto Rico

Effective Date of the Appraisal:
November 25, 2015

Report Format:
Appraisal Report – Standard Format

IRR - Caribbean
File Number: 172-2015-0181



IGY American Yacht Harbor Marina
18A-1, 18-B1,18-B and 18-W Remainder Estate Smith Bay
East End Quarter, St. Thomas, Virgin Islands

Integra Realty Resources
Caribbean

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December 15, 2015

Roberto A. Soltero
Vice President
Banco Popular de Puerto Rico
PO Box 362708
San Juan, PR 00936-2708

SUBJECT: Market Value Appraisal
IGY American Yacht Harbor Marina
18A-1, 18-B1,18-B and 18-W Remainder Estate Smith Bay
East End Quarter, St. Thomas, Virgin Islands
Client Reference: 23559
IRR - Caribbean File No. 172-2015-0181

Dear Mr. Soltero:

Integra Realty Resources – Caribbean is pleased to submit the accompanying appraisal of the referenced property. The purpose of the appraisal is to develop an opinion of the market value of the leased fee (going concern) interest in the property. The client for the assignment is Banco Popular de Puerto Rico, and the intended use is for Commercial credit administration.

The appraisal is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Principles of Appraisal Practice and Code of Ethics of the American Society of Appraisers, the RICS Valuation Professional Standards, the International Valuation Standards, applicable jurisdictional appraisal regulations, and the appraisal guidelines of Banco Popular de Puerto Rico. The appraisal is also prepared in accordance with the appraisal regulations issued in connection with the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA).

To report the assignment results, we use the Appraisal Report option of Standards Rule 2-2(a) of USPAP. As USPAP gives appraisers the flexibility to vary the level of information in an Appraisal Report depending on the intended use and intended users of the appraisal, we

adhere to the Integra Realty Resources internal standards for an Appraisal Report – Standard Format. This format summarizes the information analyzed, the appraisal methods employed, and the reasoning that supports the analyses, opinions, and conclusions.

The subject is an existing 250-slip marina with 5 commercial buildings containing a mixture of retail and office space types. The buildings contain 48,661 square feet of rentable area and were constructed in multiple stages; with the majority of the construction completed in 1993. The commercial space is 85% leased as of the effective appraisal date. The marina docks were constructed in multiple phases between 1991-1995 and are 52.8% occupied as of the effective appraisal date. The total site area is 2.76 acres or 120,226 square feet, which includes 0.64 acre or 27,878 square feet, that is re-claimed land. The property also includes 3.2 acres of seabed under the marina dock structures which is leased to the property owner from the Government of the Virgin Islands.

Based on the valuation analysis in the accompanying report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, our opinion of value is as follows:

Value Conclusion*

Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value	Leased Fee (Going Concern)	November 25, 2015	$24,360,000

*Values expressed in United States Dollars

Allocation of Going Concern Value

	Amount	% of Total
Tangible Property		
Land & Improvements	$24,250,000	99.5%
Tangible Personal Property (FF&E)	$110,000	0.5%
Total Tangible Property	$24,360,000	100.0%
Intangible Assets	$0	0.0%
Market Value*	$24,360,000	100.0%

*Specifically excluded from the valuation are cash and equivalents and current liabilities.

The allocation of value components is based on the going-concern premise, which holds that the value of a business as a going-concern is equal to the sum of the values of the tangible and intangible assets. The allocation assumes continued operation of the marina business. Were the marina business to cease operations, the values of the individual components would likely be different from the allocated values of the going concern.

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. The subject property has a fueling dock and four fuel storage tanks located on site; including three diesel and one gasoline. There were no signs of contamination during our inspection and we have assumed that there is no adverse environmental impact in connection with the existing fuel equipment used on the subject property.
2. The parking garage at the subject slightly encroaches on the neighboring property to the immediate northwest. This land is owned by the Government of the Virgin Islands and we have assumed that no claim will arise from the encroachments.
3. For this analysis, we have valued the going concern interest in the subject property and have allocated the value of the personal property from the value of the real property. We were provided with financial statments from ownership that indicates the depreciated book value of these assets. It is beyond our scope to value these assets in use; therefore, we have assumed that the book values of teh personal property items shown in the statments provided by ownership are reasonably accurate for the purpose of this allocation exercise.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. No hypothetical conditions were employed in this analysis.

The opinions of value expressed in this report are based on estimates and forecasts that are prospective in nature and subject to considerable risk and uncertainty. Events may occur that could cause the performance of the property to differ materially from our estimates, such as changes in the economy, interest rates, capitalization rates, financial strength of tenants, and behavior of investors, lenders, and consumers. Additionally, our opinions and forecasts are based partly on data obtained from interviews and third party sources, which are not always completely reliable. Although we are of the opinion that our findings are reasonable based on available evidence, we are not responsible for the effects of future occurrences that cannot reasonably be foreseen at this time.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

Integra Realty Resources - Caribbean

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Summary of Salient Facts and Conclusions

Property Name	IGY American Yacht Harbor Marina
Address	18A-1, 18-B1,18-B and 18-W Remainder Estate Smith Bay East End Quarter, St. Thomas, Virgin Islands
Property Type	Mixed Use - Marina
Owner of Record	IGY-AYH ST. Thomas Holdings, LLC
Parcel ID	1-07702-0135-00, 1-07702-0134-00, 1-07702-0133-00, and 1-07702-0198-00
Legal Description	Parcel Nos. 18A-1 Remainder, 18B-1 Remainder, 18B Remainder Estate and 18-W Estate Smith Bay, Nos. 1, 2 and 3 East End Quarter, St. Thomas, U.S. Virgin Islands
Land Area	2.76 acres; 120,226 SF
Number of Units	105
Gross Building Area	72,808 SF
Rentable Area	48,652 SF
Percent Leased	85%
Year Built; Year Renovated	1992; N/A
Zoning Designation	W-1, Waterfront - Pleasure
Highest and Best Use - As if Vacant	Marina oriented commercial use
Highest and Best Use - As Improved	Continued marina and commercial use
Exposure Time; Marketing Period	12-24 months; 12-24 months
Effective Date of the Appraisal	November 25, 2015
Date of the Report	December 15, 2015
Property Interest Appraised	Leased Fee (Going Concern)
Market Value Indications	
Cost Approach	Not Used
Sales Comparison Approach	Not Used
Income Capitalization Approach	$24,360,000
Market Value Conclusion*	$24,360,000

*Values expressed in United States Dollars

The values reported above are subject to the definitions, assumptions, and limiting conditions set forth in the accompanying report of which this summary is a part. No party other than Banco Popular de Puerto Rico may use or rely on the information, opinions, and conclusions contained in the report. It is assumed that the users of the report have read the entire report, including all of the definitions, assumptions, and limiting conditions contained therein.

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Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. The subject property has a fueling dock and four fuel storage tanks located on site; including three diesel and one gasoline. There were no signs of contamination during our inspection and we have assumed that there is no adverse environmental impact in connection with the existing fuel equipment used on the subject property.
2. The parking garage at the subject slightly encroaches on the neighboring property to the immediate northwest. This land is owned by the Government of the Virgin Islands and we have assumed that no claim will arise from the encroachments.
3. For this analysis, we have valued the going concern interest in the subject property and have allocated the value of the personal property from the value of the real property. We were provided with financial statments from ownership that indicates the depreciated book value of these assets. It is beyond our scope to value these assets in use; therefore, we have assumed that the book values of teh personal property items shown in the statments provided by ownership are reasonably accurate for the purpose of this allocation exercise.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. No hypothetical conditions were employed in this analysis.

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General Information

Identification of Subject

The subject is an existing 250-slip marina with 5 commercial buildings containing a mixture of retail and office space types. The buildings contain 48,661 square feet of rentable area and were constructed in multiple stages; with the majority of the construction completed in 1993. The commercial space is 85% leased as of the effective appraisal date. The marina docks were constructed in multiple phases between 1991-1995 and are 52.8% occupied as of the effective appraisal date. The total site area is 2.76 acres or 120,226 square feet, which includes 0.64 acre or 27,878 square feet, that is re-claimed land. The property also includes 3.2 acres of seabed under the marina dock structures which is leased to the property owner from the Government of the Virgin Islands. The legal description of the property is shown below.

Property Identification	
Property Name	IGY American Yacht Harbor Marina
Address	18A-1, 18-B1,18-B and 18-W Remainder Estate Smith Bay East End Quarter, St. Thomas, Virgin Islands
Parcel ID	1-07702-0135-00, 1-07702-0134-00, 1-07702-0133-00, and 1-07702-0198-00
Owner of Record	IGY-AYH ST. Thomas Holdings, LLC
Legal Description	Parcel Nos. 18A-1 Remainder, 18B-1 Remainder, 18B Remainder Estate and 18-W Estate Smith Bay, Nos. 1, 2 and 3 East End Quarter, St. Thomas, U.S. Virgin Islands

Sale History

The most recent closed sale of the subject is summarized as follows:

Sale Date	January 19, 2007
Seller	MOF VI Limited Partnership
Buyer	IGY-AYH ST. Thomas Holdings, LLC
Sale Price	$25,500,000
Recording Instrument Number	document number 2007000531
Expenditures Since Purchase	Unknown

The sale price is consistent with our market value conclusion considering the date of the transaction and the market fluctuation since that time. To the best of our knowledge, no sale or transfer of ownership has taken place within a three-year period prior to the effective appraisal date.

Pending Transactions

To the best of our knowledge, the property is not subject to an agreement of sale or an option to buy, nor is it listed for sale, as of the effective appraisal date.

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Purpose of the Appraisal

The purpose of the appraisal is to develop an opinion of the market value of the leased fee (going concern) interest in the property as of the effective date of the appraisal, November 25, 2015. The date of the report is December 15, 2015. The appraisal is valid only as of the stated effective date or dates.

Basis of Value

Market value is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

(Source: Code of Federal Regulations, Title 12, Chapter I, Part 34.42[g]; also Interagency Appraisal and Evaluation Guidelines, Federal Register, 75 FR 77449, December 10, 2010, page 77472)

Definition of Property Rights Appraised

Leased fee interest is defined as, "A freehold (ownership interest) where the possessory interest has been granted to another party by creation of a contractual landlord-tenant relationship (i.e., a lease)."

Lease is defined as, "A contract in which rights to use and occupy land or structures are transferred by the owner to another for a specified period of time in return for a specified rent."

(Source: The Dictionary of Real Estate Appraisal, Fifth Edition, Appraisal Institute, Chicago, Illinois, 2010)

Definition of Going-Concern Premise

Going-Concern Premise is defined as, "one of the premises under which the total assets of a business can be valued; the assumption that a company is expected to continue operating well into the future (usually indefinitely). Under the going-concern premise, the value of a business as a going concern is equal to the sum of the value of the tangible assets and the value of the intangible assets, which may

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include the value of excess profit, where asset values are derived consistently with the going-concern premise."

(Source: The Dictionary of Real Estate Appraisal, Fifth Edition, Appraisal Institute, Chicago, Illinois, 2010)

Intended Use and User

The intended use of the appraisal is for Commercial credit administration. The client and intended user is Banco Popular de Puerto Rico. The appraisal is not intended for any other use or user. No party or parties other than Banco Popular de Puerto Rico may use or rely on the information, opinions, and conclusions contained in this report.

Applicable Requirements

This appraisal is intended to conform to the requirements of the following:

- Uniform Standards of Professional Appraisal Practice (USPAP);
- Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
- The Principles of Appraisal Practice and Code of Ethics of the American Society of Appraisers
- The RICS Valuation Professional Standards;
- The International Valuation Standards of the IVSC;
- Applicable jurisdictional regulations;
- Appraisal requirements of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), revised June 7, 1994;
- Interagency Appraisal and Evaluation Guidelines issued December 10, 2010;
- Appraisal guidelines of Banco Popular de Puerto Rico.

Prior Services

USPAP requires appraisers to disclose to the client any other services they have provided in connection with the subject property in the prior three years, including valuation, consulting, property management, brokerage, or any other services. The RICS Red Book also contains requirements for valuers to disclose previous involvement with the subject property within twelve months. We have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

Competency

We hereby confirm that we possess adequate knowledge and skills to perform the assignment competently, including an understanding area/regional market conditions, and factors which pertain to the property type in question.

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Independence

We hereby confirm that we have no conflicts of interest or material involvement in the property which is the subject of this valuation; and that we are acting as unbiased, independent, external valuers.

RICS Valuer Registration

We confirm that we are in compliance with the RICS Valuer Registration program, which is mandatory for RICS members in the Caribbean region.

Currency

Unless otherwise stated, all financial figures in this report are expressed in United States Dollars.

Scope of Work

To determine the appropriate scope of work for the assignment, we considered the intended use of the appraisal, the needs of the user, the complexity of the property, and other pertinent factors. Our concluded scope of work is described below.

Valuation Methodology

Appraisers usually consider the use of three approaches to value when developing a market value opinion for real property. These are the cost approach, sales comparison approach, and income capitalization approach. Use of the approaches in this assignment is summarized as follows:

Approaches to Value

Approach	Applicability to Subject	Use in Assignment
Cost Approach	Not Applicable	Not Utilized
Sales Comparison Approach	Not Applicable	Not Utilized
Income Capitalization Approach	Applicable	Utilized

The **income capitalization** approach is the most reliable valuation method for the subject due to the following:

- The probable buyer of the subject would base a purchase price decision primarily on the income generating potential of the property and an anticipated rate of return.
- Sufficient market data regarding income, expenses, and rates of return, is available for analysis.

The **sales comparison** approach is not applicable to the subject because:

- This approach does not reflect the primary analysis undertaken by a typical investor-purchaser.
- There are insufficient sales of comparable properties in this market from which to derive a credible value conclusion.

The **cost approach** is not applicable to the subject considering the following:

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- The age of the property makes estimates of accrued depreciation very subjective.
- This approach is not typically used by market participants, except for new properties.

Research and Analysis

The type and extent of our research and analysis is detailed in individual sections of the report. This includes the steps we took to verify comparable sales, which are disclosed in the comparable sale profile sheets in the addenda to the report. Although we make an effort to confirm the arms-length nature of each sale with a party to the transaction, it is sometimes necessary to rely on secondary verification from sources deemed reliable.

Inspection

Mark J. Weathers conducted an interior and exterior inspection of the property on November 25, 2015. James V. Andrews, MAI, CRE, FRICS, ASA, CVA, also conducted an interior and exterior inspection on November 25, 2015.

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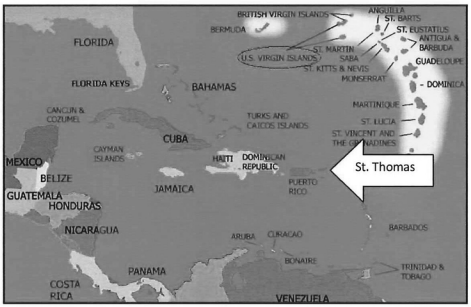
Economic Analysis

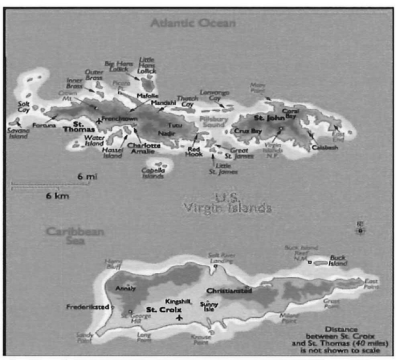
Area Analysis

Location

The U.S. Virgin Islands are located in the Caribbean Sea and the Atlantic Ocean, about 90 miles (140 km) east of Puerto Rico and immediately west of the British Virgin Islands.



The territory consists of four main islands: Saint Thomas, Saint John, Saint Croix, and Water Island, as well as several dozen smaller islands. The combined land area of the islands is roughly twice the size of Washington, D.C.



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A mild tropical climate, scenic beauty, and status as a U.S. territory make Virgin Islands appealing for vacationers from United States and Europe. The islands host over 2.5 million visitors per year, most of whom arrive by cruise ship, and tourism is the dominant economic engine of the islands, accounting for roughly 70 percent of the total gross territorial product.

Each district has its own distinct landscape, mix and intensity of land uses, cultural identity, and prospects for future development. St Thomas is home to the capital and the territory's largest city, Charlotte Amalie, which has an estimated population of roughly 19,000 persons. St Thomas is the primary center for resort tourism, government, finance, trade, and commerce, but its rugged landscape limits the land available for agriculture and other types of land-intensive development. Charlotte Amalie is also home to a major deepwater harbor that is along major shipping routes to the Panama Canal, and it is just east of the Cyril E King International Airport – one of the busiest airports in Caribbean. St. Thomas has two cruise ship docks, and is the most frequented cruise ship port in the Caribbean.

The island of St John is just under 3 miles to the east of St Thomas. Cruz Bay is located on the western coast of the island and serves as its primary port and link to St Thomas. Nearly two thirds of St John is owned by the National Park Service and is off-limits to commercial development.

St Croix is largest of the three islands, in both land area and population. It is roughly 45 miles to the south of St Thomas. Its primary towns are Christiansted and Frederiksted. Overall the island is flatter and has more land available for additional agricultural, commercial and residential development than St Thomas. St Croix is also the primary manufacturing center for the Virgin Islands, with rum distilleries, a major watch-assembly plant, and; until February 2012, one of the world's largest petroleum refineries (which recently ceased refining operations).

History

The Virgin Islands were originally settled by the Ciboney, Carib, and Arawaks. The islands were named by Christopher Columbus on his second voyage in 1493 for Saint Ursula and her virgin followers. Over the next three hundred years, the islands were held by many European powers, including Spain, England, the Netherlands, France, and Denmark-Norway. The Danes developed the islands with plantation estates, and the estates boundaries are still used in legal descriptions for land to this day.

The U.S. took possession of the islands on March 31, 1917 and the territory was renamed the Virgin Islands of the United States. U.S. citizenship was granted to the inhabitants of the islands in 1927.

Government

The U.S. Virgin Islands are an organized, unincorporated United States territory. Even though they are U.S. citizens, Virgin Islands residents cannot vote in presidential elections. Virgin Islands residents, however, are able to vote in presidential primary elections for delegates to the Democratic National Convention and the Republican National Convention.

The main political parties in the U.S. Virgin Islands are the Democratic Party of the Virgin Islands, the Independent Citizens Movement, and the Republican Party of the Virgin Islands. Additional candidates run as independents.

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At the national level, the U.S. Virgin Islands elects a delegate to Congress from its at-large congressional district. However, the elected delegate, while able to vote in committee, cannot participate in floor votes.

At the territorial level, 15 senators—seven from the district of Saint Croix, seven from the district of Saint Thomas and Saint John, and one senator at-large who must be a resident of Saint John—are elected for two-year terms to the unicameral Virgin Islands Legislature. The U.S. Virgin Islands has elected a territorial governor every four years since 1970. Previous governors were appointed by the President of the United States.

Population and Employment

In 2008, the residential population of the Virgin Islands peaked at an estimated 115,852 persons. This follows five years of slow but steady growth of 1.0%, slightly slower than the U.S. annual average of 1.15%. Since 2008, population levels have fallen each year, to the 2014 estimated population of 103,961 persons.

Among the three islands, St Croix and St Thomas are nearly equally populous with St John having less than 4 percent of the total population of the Virgin Islands.

USVI Economic Indicators

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	5 Yr Ann Growth
Population	111,470	113,689	114,743	115,852	107,343	106,405	105,784	105,169	104,563	103,961	-0.6%
St. Croix	54,635	55,722	56,239	56,783	52,612	50,601	50,247	50,005	49,938	49,656	-1.1%
St. Thomas	52,528	53,574	54,070	54,592	50,583	51,634	51,266	51,051	50,610	50,316	-0.1%
St. John	4,307	4,393	4,434	4,477	4,148	4,170	4,134	4,113	4,015	3,989	-0.8%
Civilian labor force	51,159	51,159	52,670	52,630	52,861	51,424	50,729	50,577	47,558	46,784	-2.3%
Civilian employment	47,301	48,640	49,547	49,589	48,863	47,272	46,121	44,659	41,207	40,687	-3.3%
Unemployment rate (percent)	7.1%	6.2%	5.9%	5.8%	7.6%	8.1%	8.9%	11.7%	13.4%	13.0%	14.2%
Gross Territorial Product (GTP, Millions)	$4,457	$4,635	$4,836	$4,851	$4,583	$4,660	$4,351	$3,778	$3,792		-4.4%
GTP Per Capita	$39,984	$40,769	$42,146	$41,872	$42,695	$43,795	$41,131	$35,923	$36,265		-2.7%
Personal Income (PI)	$2,723	$2,777	$2,964	$2,606	$2,602	$2,704	$2,661	$2,586	$2,233		-2.9%
Per capita personal income ($)	$20,620	$21,711	$22,658	$22,847	$23,931	$25,603	$25,084	$23,388	$21,353		-1.3%
Total Exports (Millions of $)	$10,476	$11,627	$12,962	$17,249	$9,728	$11,930	$13,314	$2,263	$1,285	$1,671	-16.6%
Refined petroleum	$9,376	$10,463	$11,242	$13,592	$8,327	$9,759	$10,486	$932	$32	$7	-20.0%
Value of construction permits (Millions $)	$390.20	$442.70	$266.10	$273.30	$261.80	$187.20	$179.10	$141.40	$156.60	$201.40	-4.6%
St. Thomas/St. John	$274.30	$217.70	$172.90	$183.80	$79.00	$80.60	$87.90	$85.10	$114.80	$142.20	16.0%
St. Croix	$115.90	$225.00	$93.20	$89.50	$175.90	$106.50	$91.10	$56.20	$41.80	$59.20	-13.3%

Source: VI Bureau of Economic Research

The territory's Labor Force has also declined slightly, and there has been a steady increase in the unemployment rate; which was further affected by the closure of the Hovensa oil and gas refinery in 2012. Note that there was a slight dip in unemployement in 2014.

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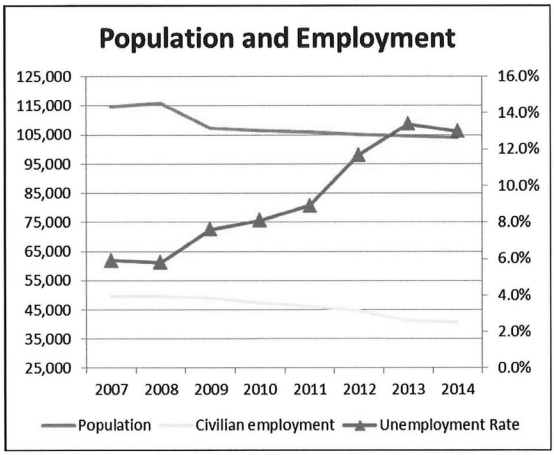

Industry

The territory relies heavily on tourism for economic stability. Additional industries include the production and export of rum; and until early 2012, the production of refined petroleum products (the Hovensa Refinery in St. Croix closed in early 2012). The Gross Domestic Product peaked in 2007 at $4.85 million, and declined to $4.14 million in 2012, and further declined to $3.79 million for 2013. Personal income per capita is also in decline from over $25,000 in 2010 and 2011 to just over $21,000 in 2013.

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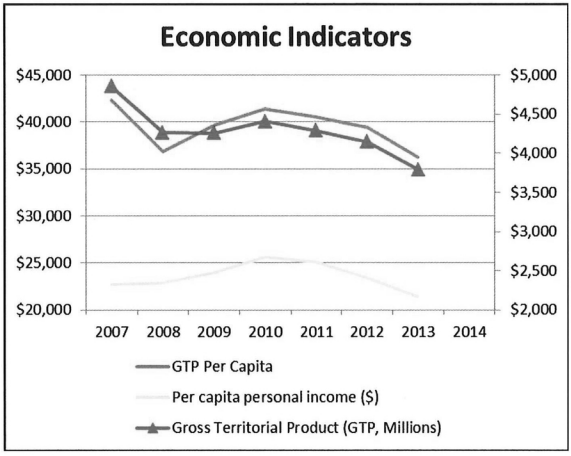

The closure of the Hovensa refinery, which was one of the territory's largest employers, also had a significant impact on exports which were prevously dominated by petrolium products. Otherwise, the territory predominently relies on the tourism industry to support the economy.

Commerce and Trade (Millions of $ Unless Otherwise Noted)

	2007	2008	2009	2010	2011	2012	2013	2014	5-Yr Annual Growth
Total exports	$12,961.8	$17,249.4	$9,728.3	$11,929.5	$13,313.5	$2,263.2	$1,284.8	$1,671.4	-16.6%
To U.S.	$12,182.2	$14,496.3	$8,495.3	$9,992.5	$10,994.8	$1,377.7	$265.4	$225.8	-19.5%
Refined petroleum	$11,242.1	$13,591.9	$8,327.3	$9,759.4	$10,486.1	$932.4	$61.6	$6.5	-20.0%
Other	$940.1	$904.4	$168.0	$233.1	$508.7	$445.3	$233.8	$219.3	6.1%
To foreign	$779.6	$2,753.1	$1,233.0	$1,937.0	$2,318.7	$885.5	$1,019.4	$1,445.6	3.4%
Total imports	$12,251.0	$17,861.3	$10,289.9	$12,153.9	$13,972.7	$2,966.7	$2,590.1	$3,391.8	-13.4%
From U.S.	$1,261.0	$1,214.6	$1,139.3	$1,548.9	$1,767.6	$1,719.4	$2,119.2	$2,144.5	17.6%
Crude petroleum	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	
Other	$1,261.0	$1,214.6	$1,139.3	$1,548.9	$1,767.6	$1,719.4	$2,119.2	$2,144.5	17.6%
From foreign	$10,990.0	$16,646.7	$9,150.6	$10,605.0	$12,205.1	$1,247.3	$470.9	$1,247.3	-17.3%
Crude petroleum	$8,204.7	$12,045.8	$7,085.9	$7,721.7	$10,340.9	$660.3	$0.0	$660.3	-18.1%
Other	$2,785.3	$4,600.9	$2,064.7	$2,883.3	$1,864.2	$587.0	$470.9	$1,247.3	-7.9%
Rum exports to U.S. (thous. of P.L.)	$28,725.1	$31,478.7	$38,445.3	$40,045.1	$35,801.2	$62,570.0	$68,335.4	$59,418.5	10.9%
Watch exports to U.S. (thousands)	$251.4	$183.6	$75.0	$52.0	$52.7	$55.6	$60.0	$76.8	0.5%
Ocean freight imports (thousands of tons)	1,092.0	1,080.0	1,065.0	1,091.0	1,157.0	1,975.0	931.0	866.0	-3.7%
To St. Thomas/St. John	851.0	774.0	685.0	612.0	720.0	1,199.0	564.0	558.0	-3.7%
To St. Croix (excluding petroleum)	241.0	306.0	380.0	479.0	436.0	776.0	367.0	308.0	-3.8%

Source: VI Bureau of Economic Research

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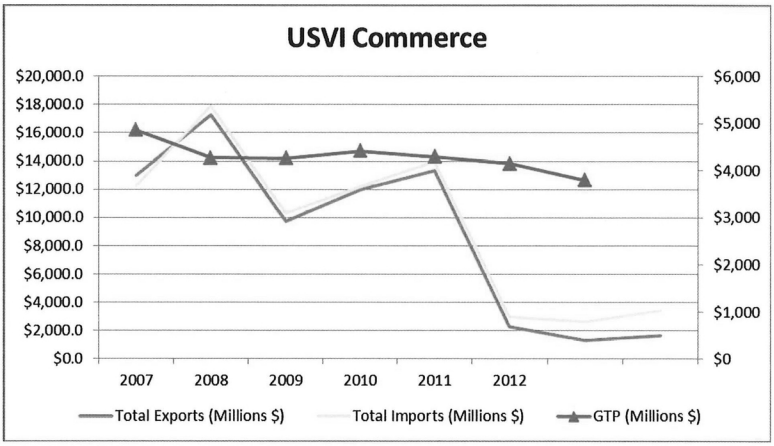

Over ninety percent of non-farm jobs are in the service providing industries, with the remaining jobs being in goods producing industries. Government, trade, transportation and utilities, and leisure and hospitality remain the industries with the largest number of jobs.

These three sectors account for 69 percent of all jobs. Professional and business services, construction and financial activities account for approximately 9 percent, 4 percent and 6 percent respectively. Manufacturing and information sectors account for about 2 percent each, while educational and health services account for 6 percent. Other services account for the remainder of jobs.

Tourism

The total number of visitor arrivals to the territory reached over 2.8 million in 2014, including both air and cruise ship arrivals. This represents 4.2% growth over the prior year. Total visitor expenditures are also growing, with annual growth in excess of 6% each of the last three years.

USVI Visitor Expenditures

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total Visitors (Thousands)	2,601.9	2,570.7	2,606.2	2,435.2	2,245.0	2,548.7	2,687.9	2,642.1	2,701.5	2,814.2
Growth		-1.2%	1.4%	-6.6%	-7.8%	13.5%	5.5%	-1.7%	2.2%	4.2%
Total Visitor Expenditures	$1,431.6	$1,467.6	$1,512.6	$1,157.1	$1,021.3	$1,012.5	$1,085.3	$1,152.8	$1,232.2	
Growth		2.5%	3.1%	-23.5%	-11.7%	-0.9%	7.2%	6.2%	6.9%	
From Stopover Tourists	$863.8	$883.2	$929.8	$686.4	$687.4	$678.2	$740.6	$784.7	$851.0	
Day Trip Excursionists	$27.2	$25.6	$27.7	$29.7	$28.6	$28.0	$35.4	$35.4	$36.1	
From Cruise Ship Passengers	$540.6	$558.8	$555.2	$441.0	$305.3	$306.3	$311.8	$332.7	$345.1	

Source: Vi Bureau of Economic Research

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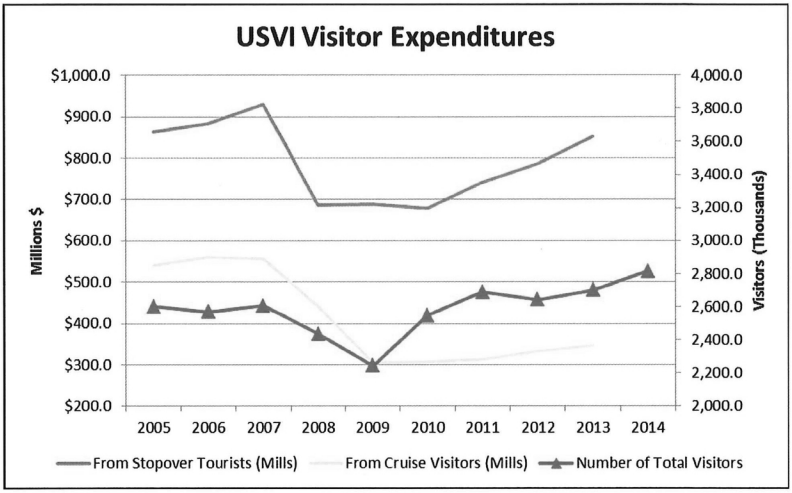

It is apparent, however, that the amount of visitor expenditures from cruise ship passengers has not increased linearly with arrivals since 2009; whereby the ratio was more linear in prior years. Cruise passenger arrivals grew 4.94% to over 2.08 million in 2014 following growth of 5.37% in the prior year. Total expenditures from cruise ship visitors grew 3.73% to over $345 million in 2013, following growth of 6.7% in 2012.

Cruise Ship Passenger Arrivals

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
St. Thomas / St. John	1,909,984	1,901,275	1,917,371	1,754,557	1,507,623	1,751,328	1,887,096	1,790,550	1,886,647	1,979,926
Growth		-0.46%	0.85%	-8.49%	-14.07%	16.16%	7.75%	-5.12%	5.37%	4.94%
St. Croix	54,502	35,191	7,146	2,510	105,093	149,418	158,186	117,165	116,436	138,055
Growth		-35.43%	-79.69%	-64.88%	4086.97%	42.18%	5.87%	-25.93%	-0.62%	18.57%
Total	1,912,539	1,903,533	1,917,878	1,757,067	1,582,264	1,858,946	2,008,991	1,904,468	1,998,579	2,083,890
Growth		-0.47%	0.75%	-8.38%	-9.95%	17.49%	8.07%	-5.20%	4.94%	4.27%
Cruise Visitor Expenditures (Millions)	$540.6	$558.8	$555.2	$441.0	$305.3	$306.3	$311.8	$332.7	$345.1	
		3.37%	-0.64%	-20.57%	-30.77%	0.33%	1.80%	6.70%	3.73%	

Source: VI Bureau of Economic Research

Totals for each island include 1st and 2nd ports of call; totals for USVI include only 1st port of call

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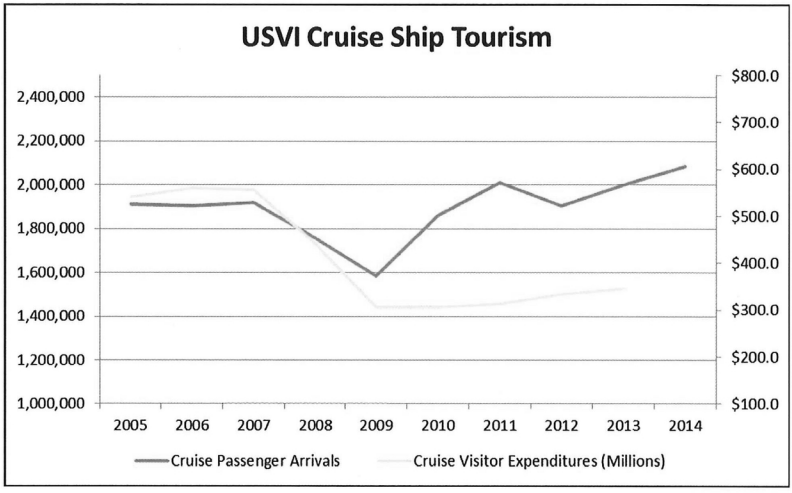

In terms of stopover tourists, the U.S. Virgin Islands ranks 7th in the list of the top tourism markets in the Caribbean, with 2014 stay-over arrivals of about 730,000. The year 2014 indicated modest growth in arrivals, with 3.90% growth over the prior period. The chart below illustrates the relationship between arrivals and GDP. We note that the continuing downturn in GDP is likely due to negative influences outside the tourism sector, such as the 2012 closure of the Hovensa oil refinery in St. Croix.

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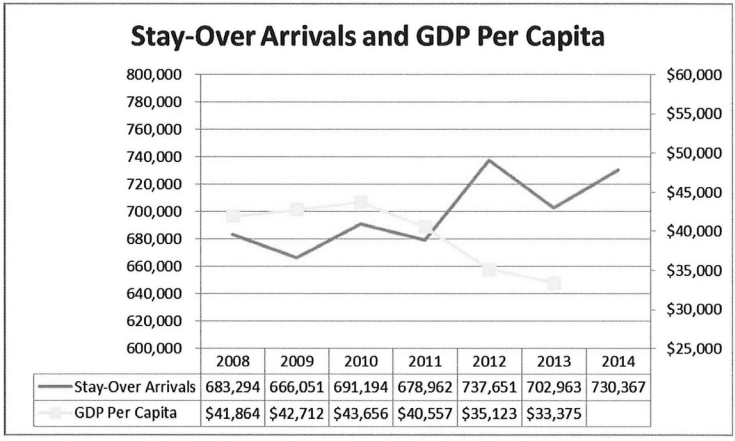

Source: Virgin Islands Bureau of Economic Research, WorldBank, Integra Realty Resources

Hotel Performance

Data from Smith Travel Research indicates 2014 occupancy for reporting hotels of 67.8%, up 3.29% over the prior year. The reported average daily rate (ADR) was $308.98 (up 0.51%), leading to Revenue Per Available Room Night (RevPar) of $209.53 (up 5.63%).

Hotel Performance by Country - USVI

	2013	2014	Growth
Sample Size (Rooms)		1,504	
Room Nights Available (Supply)	$1,775,819	$1,750,284	-1.44%
Room Nights Sold (Demand)	$1,145,860	$1,186,924	3.58%
Occupancy	64.5%	67.8%	3.29%
Room Revenues	$352,268,119	$366,739,620	4.11%
ADR	$307.43	$308.98	0.51%
RevPar	$198.37	$209.53	5.63%
Rooms in Active Pipeline 12/31	0	453	

Note: Values in United States Dollars
Source: Smith Travel Research; Note: Sample Size reflects the number of rooms within the STR participating hotels

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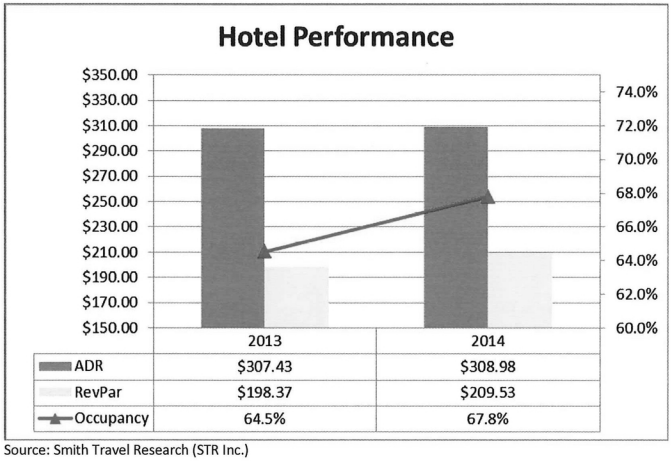

	2013	2014
ADR	$307.43	$308.98
RevPar	$198.37	$209.53
Occupancy	64.5%	67.8%

Source: Smith Travel Research (STR Inc.)

According to STR, there are 453 rooms in the active pipeline, which would add 8.6% to the existing room stock of 4,818 rooms. These projects include the 153-room, proposed Embassy Suites in the mahogany Run area, and the 300-room, proposed Hyatt Regency in Mandal Bay. In addition, a hotel project was recently announced on Water Island; however, the developers have not yet announced a brand or number of proposed rooms.

Housing / Property

As the supply of housing has increased in the last two decades, homeownership rates have also increased, although only slightly. Rates increased 1.9 percentage points between 2000 and 2010, and increased an additional 3.8 percentage points from 2010 to 2012. Average home prices dropped by 11.8 percent in 2008, but then increased in 2009 and 2010 by 4 percent and 12.3 percent, respectively. In 2012, average home prices fell 17.4% and then rebounded in 2013 with an increase of 22.1%. The average sales price in 2013 was $538,369. Presumably, much of the increased supply of new homes and condominiums has gone to non-residents and vacationers. Over the past decade, housing costs have accelerated at a far greater pace than resident incomes, putting home ownership beyond the reach of all but a few relatively wealthy islanders.

In 2013, St. Thomas and St. John had an average home sale price of $713,183, while the average home sale price in St. Croix was $306,083. While prices have not caught up with what they were in 2007, St. Thomas and St. John have seen some recovery in the overall housing market. St. Croix, however, continues to suffer from the closing of the Hovensa refinery. In 2014, the average single family home sales price in St. Croix was $334,167, while in St. Thomas it was $909,839. 2015 year to date averages are show an increase in average single family home price in St. Croix and a decrease in St. Thomas and St. John, with averages of $414,178 and $759,811 respectively.

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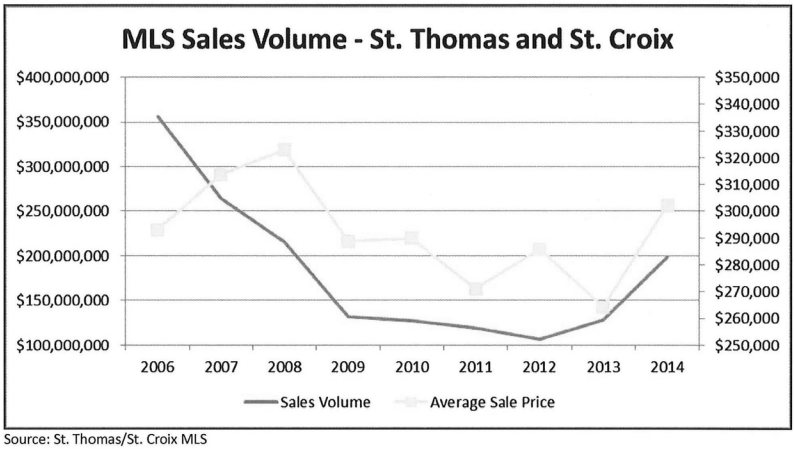
The current situation is that the recovering housing market and general economic conditions on the US mainland is slowly having a positive impact in the US Virgin Islands' real estate market in terms of overall average home prices as well as the number of homes sold. Home sales in the territory, while still lower than 2007 figures, have increased annually since 2012.

According to statistical data provided by the Multiple Listing Service, the value of real estate sales in the St. Thomas-St. Croix MLS grew by 54% in 2014 to nearly $200 million on 883 transactions; volume seen since 2008 and sales pace not seen since 2007. This growth follows 20% growth in 2013 which came after six years of declines. The average sales price surpassed $300,000, a level also not seen since 2008.



Source: St. Thomas/St. Croix MLS

Real Estate Ownership and Taxation

Ownership is "fee simple", under the U.S. flag. There are no restrictions against purchasing solely for investment, and no laws dictating when, if ever, you must build on undeveloped land. It should be noted that for 2006 there was a reassessment, and the tax rate changed to $3.77 per $1,000 based on 100% of assessed value (for residential property); however, there was an ongoing court challenge to the reassessment, and a federal injunction blocked tax bills until the issue could be resolved. As of December, 2013, the 2006, 2007, 2008, 2009, 2010, 2011 and 2012 tax bills have all been issued under the old 1999 assessed values and tax rates. This federal court injunction regarding the tax reassessment of VI property values had previously prevented the government from collecting property tax for at least four years, resulting in the government losing US$25 million a month. New assessed values as well as amended tax rates were released in conjunction with the 2013 tax bills in August, 2014. Subsequent tax bills were issued at a rate of two per year until August 2015 when the 2015 bill were released and the Virgin Islands became current with respect to its property taxes.

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All real estate transactions also require a Government Transfer Tax (stamp tax), which can be paid by the buyer or seller.

2% for property valued up to $350,000
2.5% for property valued from $350,001 to $1,000,000
3% for property valued from $1,000,001 to $5,000,000
3.5% for property valued over $5,000,001

Notable News and Developments

- On January 18, 2012, it was announced that the Hovensa refinery would be permanently shut down. This has had a major impact causing an economic downturn on the island, leaving 1,158 former Hovensa workers unemployed and many more employed by the company's contractors according to the United States Department of Labor. Recently, an auction of Hovensa's assets was conducted in New York City with multiple qualified bidders, and the assets were awarded to Limetree Bay Holdings, a subsidiary of ArcLight Capital Partners. Pending approval by the Virgin Islands legislature, ArcLight's operation of the oil storage facility will create a minimum of 80 jobs, with the possibility of more in the future. ArcLight indicated there could be a possibility of a limited restart of some refinery units at some point in the future.

- Both the Senate and the US House of Representatives passed the Coast Guard Reauthorization Act, and President Obama signed the act into legislation in the fiscal year 2015 which should help level the charter yacht industry playing field. Prior to 1993 and the imposition of a six-passenger limitation on US uninspected vessels, the charter yacht industry in the US Virgin Islands was thriving, contributing over $100 million in annual revenue and hundreds of jobs to the local economy. A large chunk of the industry moved to the British Virgin Islands after the six-passenger rule limitation was initiated by the US Government. The bill has recently been enacted into law, and the ability of the USVI to compete in this industry should be significantly improved.

- After an extensive search and vetting process, the USVI Government has selected a group of local and regional investors to develop a hotel resort on Water Island, just off of St. Thomas. There are apparently eight hotel brands in discussions with the developers for branding the property.

- A Texas-based EB-5 Regional Center has announced an EB-5 funded commercial project known as the Port of Mandahl Caribbean Conference Resort. When completed, the development is reportedly planned to include two full-service hotels, a golf course, a state of the art conference center, retail and commercial space, and high-end residential units. EB-5 is a type of economic citizenship program whereby the United States grants citizenship to investors of certain approved projects in areas where the economic boost is needed. Regional Centers are tasked with selling the investments such as limited partnerships to international buyers.

- The Margaritaville (Wyndham) Vacation Club is under construction in Water Bay on the East End of the island of St. Thomas. The project is a renovation of the 290-room Renaissance

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Grand Beach Resort into 262 timeshare oriented condominium units. The first phase on this project was completed in September 2015 and is open, while the second phase is currently under construction.

- The University of the Virgin Islands has announced plans to develop a medical school on St. Thomas, which will be operated in collaboration between the hospitals on St. Thomas and St. Croix.

Conclusions

Economic conditions in the U.S. Virgin Islands appear to be slower to recover than many areas of the region, particularly in St. Croix, where industrial development had previously been more of a focus than tourism The closure of the Hovensa refinery and the failure to facilitate a sale to a buyer who can re-open the facility as a refinery will continue to plague St. Croix until other new developments occur that can create new jobs. The assets of the refinery were recently sold at auction, but operating agreement with the USVI Government only states the buyers will use the oil storage portion in addition to constructing an asphalt plant on the property, which projects to only 80 jobs created in the immediate future. There appears to be ongoing resurgence in tourism for St. Thomas and St. John, and real estate activity appears to be improving; however, many businesses – even those catering to cruise ship passengers – continue to struggle. Our forecast is for continued improvement in arrivals and hotel statistics, but only gradual economic improvement for the overall territory.

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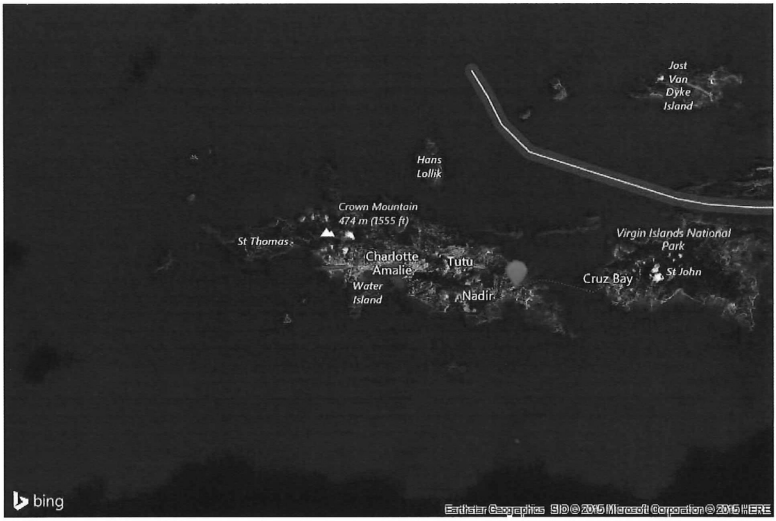
Area Map



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Surrounding Area Analysis

Location

The subject is located in the town of Red Hook in the East End area of the Island known as Estate Smith Bay. Red Hook is one of the three primary business districts on the island.

Access and Linkages

Primary access to the area is provided by Route 32 (Smith Bay Road), a major arterial that crosses the east end of the island in a generally east-west direction. This is the primary route through the town of Red Hook, one of the three major commercial centers of the island; with the others being the city of Charlotte Amalie and the Tutu area. Overall, vehicular access is good.

Public transportation is provided by Safari Taxi and provides access to all relevant areas. The local market perceives public transportation as average compared to other areas in the region. However, the primary mode of transportation in this area is the automobile.

The Red Hook Ferry Terminal offers passenger ferries and car barges on regular schedules to and from St. John. Passenger ferry service to the British Virgin Islands is also available.

The Cyril E. King International Airport is located about 8.4 miles from the property; travel time is about 25 minutes, depending on traffic conditions. The Charlotte Amalie CBD, the economic and cultural center of the island, is approximately 7.0 miles from the property.

Demand Generators

The demand for commercial space in the area of the subject is fueled by the popularity of the Red Hook business district. Red Hook is a centralized area serving the east end of St. Thomas, and features marinas, restaurants, bars, retail shops, and office space.

The demand for office space in the area has been down due to overall economic conditions. As the economy continues its recovery, the demand for well-located office space will increase as well. Retail space; however, has seen an increase in demand in this area over the past 12-24 months as shown by the low vacancy in the 3 major retail properties Red Hook; American Yacht Harbor (subject), Red Hook Plaza and Galleria Shopping Center.

Compared to the territory area as a whole, the local area has higher income levels. Population trends are similar except that the local area is growing at a faster rate than the territory.

Land Use

The area is suburban in character and approximately 65% developed.

Predominant land uses are retail and office uses, with some residential users nearby. Marina use is also prevalent in this area. The area contains several neighborhood retail/office centers within a few blocks of the subject along Smith Bay Road. These include East End Plaza which is three stories and contains mostly office space, the aforementioned Galleria Shopping center which will is anchored by a newly opened gourmet grocery store, and the aforementioned Red Hook Plaza which is a two story

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building with a mixture of office and retail. There are other small retail commercial buildings both along the waterfront and the inland side of the road; such as restaurants, bars and a convenience store/gas outlet.

In addition to the drawing power of these retail users, the Ivanna Eudora Kean High School is located approximately 1,500 feet west of the subject property.

During the last several years, development has been predominantly of retail/office uses. The largest recent development in this area has been East End Plaza, which was constructed in 2008. However, the completion of this commercial building coincided with the downturn in the overall economy in the territory, and the property has struggled to reach stabilization. There is also a newly constructed, small commercial strip center in close proximity to the subject called Crosswinds Center that opened approximately two years ago. Ace Hardware is the anchor tenant in this building, while the majority of the other commercial bays remain vacant.

There have also been two notable bar/restaurant openings within the past two years, both at the subject property. Near the subject, a Senor Frogs restaurant opened in November 2013 featuring a dining and nightclub atmosphere. Additionally, a tavern/restaurant called Tap & Still has opened approximately 450 feet southwest of the subject. A new Thai/Sushi restaurant is under construction within Red Hook Plaza, just west of the subject. These new establishments are indicative of the improving retail/commercial climate of the Red Hook area.

Outlook and Conclusions

The area is in the slow growth stage of its life cycle. There have been signs of increased demand as existing commercial space has been leasing up more rapidly over the past six months, showing the upside of the subject's area. We anticipate that property values will slightly increase in the near future.

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Surrounding Area Map

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Marina Market Analysis

Marinas are not at all homogenous, and the various combinations of business and physical components result in significantly different results for the owners and operators. The two major types of marinas are coastal (usually found in saltwater inland waterways that lead to an ocean port), and freshwater (found on lakes). Saltwater marinas tend to attract larger vessels and require a completely different level of maintenance. Freshwater marinas typically cater more toward day-sailors and day-boaters who do not have personal space with which to keep their boats.

Typical marinas in both coastal and freshwater locations can include any combination of the following components:

- Wet Slips (covered and uncovered)
- Dry Storage (land)
- Dry Storage (stack)
- Maintenance and Repair Yard and Services
- Marine Dealerships (boat sales)
- Merchandise Sales (fishing, boating, sundries)
- Fuel Sales (gas and diesel)
- Equipment Rental

With regard to slip rentals (wet and dry), these spaces can be either rented (the traditional route), or sold as "dockominiums" and "rackaminiums." The sellout component became very popular in the last decade, and many marinas were converted to all or part sellout type enterprises. Part of the reason is that developers in recent times prefer to develop real estate for sale (condominiums or homesites) that surround the marina, and in turn could sell the boat spaces and then move on to another investment. The market for dockominiums (wet and dry) somewhat dried up during the recent recession, and many of the unsold units were subsequently rented instead of sold.

Another trend of development prior to the 2008 recession was for marinas within luxury resort communities that also have a residential component. These include 4 and 5-star resorts in the subtropical USA as well as the Caribbean. Typical luxury resort developments planned in the last decade would include a hotel (which the developer would license to a "branded" operator), condominiums and villas for sale, home sites for sale, and recreational components such as a golf course and marina. The sellout types of dock spaces fit well into the business model of the developer, as they sell other components and license the hotel operation to a separate entity.

Marinas also vary in size from small "mom and pop" or "lifestyle" businesses with less than 50 slips to large enterprises that attract institutional purchasers. Across the board, marinas are affected by economic downturns due to the leisure component of the boating hobby. During the last two recessions (2000-2003 and 2008-2009), many marinas went into foreclosure. This created difficulty for marinas to obtain financing.

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Coastal marinas along the eastern seaboard were fairly successful until the recent recession, with many documenting 100% occupancy or waiting lists. This may be partly due to increased environmental regulation limiting dredging new bodies of water or deepening existing ones. As marinas are typically close to inlets leading to the sea or inland waterways, they are typically in areas that are rich with aquatic life.

National Boating Trends

Because of the age, size, design, tenancy, quality, and location of the subject, it is likely to appeal to investors primarily on a national or regional basis. While national factors may or may not be indicative of the subject's market area, the national trends exhibited are generally indicative of movement in all submarkets. Real estate is typically analyzed on a market-by-market basis. Published secondary data and market studies for the marina industry on a local or regional level are scarce. Nationwide, the most comprehensive statistical reference guide for the marina industry is the Recreational Boating Statistical Abstract, published annually by the National Marine Manufacturers Association (NMMA). The most recent publication reports 2014 data.

According to NMMA, the boating industry generated $35.4 billion in sales and services in 2013, a 3.5% decline from 2013. This represented the first year of decline after three consecutive years of growth following the low point in 2010, of $30.4 billion, from the "great recession." The peak occurred in 2006 at $39.5 billion.

Of the 242.5 million adults living in the United States in 2014, 35.7%, or 87.3 million people, participated in recreational boating; a 1.8% decline from 2013. This is within the range of participation over the past four years which varies from 34.8% to 37.8% of the population.

New boat sales peaked at 912,130 in 2006, but have declined since that date with 2014 sales at 534,500 units, an increase of 0.44% from 2013. Before the recession in 2007, fuel prices increased, followed by increased unemployment and tightening credit. Luxury and leisure goods such as boats are typically the first things to be put on the back burner as people become more discretionary with their income. As a result, pre-owned power boat represented 64% of all boat sales during 2014, and new boat dealers have had to compete.

While boating participation declined recently, boat registrations have fallen. Boat registrations were up 0.08% to 12 million in 2014 versus 11.99 million in 2013. Florida led all states in boat registrations for 2014 followed by California, Minnesota, Michigan, and Wisconsin, in that order.

The demographic of boat owners is largely middle class. In 2014, 95% of registered mechanically propelled boats were 26 feet or less, indicating more affordable, entry-level, trailerable boats. The majority (71.5%) of boat owners earn an average household income under $100,000. Over 60% of boating participants were between the age of 31 and 64 which signifies that the increase in boating population is younger.

National Marina Industry

Every December/January, Marina Dock Age magazine publishes an issue dedicated to trends in the marina industry. An article from the most recent issue in December 2014 indicates that the majority of

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marinas and boatyards continue to improve net profits, overall revenues, and occupancy rates, with 82% expecting stable or increasing occupancy rates.

The table that follows details marina occupancy rates for 2014.

Marina Occupancy Rates - 2014

	Occupancy Rate Range					
	Less than 50%	50% - 74%	75 - 84%	85% - 94%	95% - 99%	100%
Ownership Type/ Size	% of Respondents					
Government Owner	4.4%	22.2%	17.8%	17.8%	22.2%	13.3%
Corporate Owner	4.0%	32.0%	18.0%	14.0%	25.0%	7.0%
Private Owner	**2.0%**	**16.0%**	**19.0%**	**31.0%**	**14.0%**	**13.0%**
Small (1 - 99 Slips)	**5.0%**	**13.0%**	**11.0%**	**23.0%**	**15.0%**	**32.0%**
Medium (100 - 249 slips)	**5.0%**	**17.0%**	**21.0%**	**26.0%**	**21.0%**	**10.0%**
Large (250 - 749 slips)	0.0%	19.0%	21.0%	30.0%	17.0%	13.0%
Very Large (Over 750 slips)	0.0%	27.8%	16.6%	27.8%	27.8%	0.0%
Overall	3.0%	17.0%	18.0%	26.0%	18.0%	15.0%

Marina Dock Age publishes statistical information based on the percentage of overall respondents. The subject is under private ownership and has 98 boat slips which are expected to be increased to 108 slips. The largest majority (31%) of private owner marinas reported 85% to 94% occupancy rates. Overall, 58% of private owners reported occupancy rates of 85% to 100%. The largest majority (32%) of small marinas reported occupancy rates of 100%, with 70% of small marinas reporting occupancy of 85% to 100%. The largest majority of medium marinas (26%) reported occupancy rates of 85% to 94%, with 57% of medium marinas reporting occupancy of 85% to 100%.

The table that follows details boat slip and service rate changes in 2014 over 2013.

Slip/Service Rate Changes - 2014 Over 2013

	Decreased	Stayed Same	Increased
Marina Size		% of Respondents	
Small (1 - 99 Slips)	**1.9%**	**56.6%**	**41.5%**
Medium (100 - 249 slips)	**1.0%**	**62.0%**	**37.0%**
Large (250 - 749 slips)	1.3%	53.2%	45.5%
Very Large (Over 750 slips)	0.0%	28.0%	72.0%
Overall	1.0%	55.0%	44.0%

The majority of marinas kept rates the same between 2013 and 2014.

The table that follows details rate changes by service type.

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Product/Service Revenues - 2014 Over 2013			
	Decreased	Stayed Same	Increased
Service		% of Respondents	
Sailing/ Training School	4.0%	48.0%	48.0%
Cabin/Campground/RV	**0.0%**	**35.0%**	**65.0%**
Event Services/Venue	8.0%	40.0%	52.0%
Tour Boat/Charter Fishing/Water Taxi	9.0%	45.5%	45.5%
Water Toy Rental	12.0%	18.0%	70.0%
Boat Rental	12.3%	16.3%	61.4%
Boat Club	13.0%	48.0%	39.0%
Pumpout	8.0%	65.0%	27.0%
Used Boat Sales/Brokerage	21.0%	32.0%	47.0%
New Boat Sales/Brokerage	18.0%	27.0%	55.0%
Self-Service Repair	7.3%	76.4%	16.3%
Haul-Out/Winterization Services	17.8%	54.6%	27.6%
Boat Maintenance/Repair	27.0%	30.0%	43.0%
Ship/Convenience Store	21.5%	36.7%	41.8%
Commercial/Retail Lease Space	4.4%	54.4%	41.2%
Restaurant	11.0%	28.0%	61.0%
Fuel	26.5%	18.0%	55.5%
Launch Ramp	8.7%	57.6%	33.7%
Moorings	11.0%	36.0%	53.0%
Dry Storage	**15.0%**	**37.0%**	**48.0%**
Transient Slips	17.0%	35.0%	48.0%
Leased Slips	**16.0%**	**28.0%**	**56.0%**

The subject has campground/RV pad sites and will also include cabins with 65% of respondents indicating increases in their revenues for this department. The subject has dry (land) storage with 48% of respondents indicating increases in this department. The subject has leased slips with 56% of respondents indicating increases in this department.

The table that follows summarizes marina expenses by age of the marina.

Marina Expenses - 2014 Over 2013			
	Decreased	Stayed Same	Increased
Facility Age		% of Respondents	
New (Less than 7 Years)	15.0%	40.0%	43.0%
Medium (8 - 35 Years)	8.0%	27.0%	65.0%
Old (36+ Years)	**6.0%**	**22.0%**	**72.0%**
Overall	8.0%	25.0%	67.0%

The subject is 21-25 years old. The majority (72%) of marinas over 36 years of age indicated increases in operating expenses.

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The table that follows details whether or not marinas will post a gross profit for 2014, based on marina size.

Marina Gross Profit - Will Report a Gross Profit			
	No	Do Not Know	Yes
Marina Size		% of Respondents	
Small (1 - 99 Slips)	**19.0%**	**17.0%**	**64.0%**
Medium (100 - 249 slips)	**16.0%**	**14.0%**	**70.0%**
Large (250 - 749 slips)	9.2%	14.5%	76.3%
Very Large (Over 750 slips)	11.0%	11.0%	78.0%
Overall	14.5%	14.5%	71.0%

The majority of small marinas (64%) reported that they would report a gross profit in 2014. The majority of medium marinas (70%) reported that they would report a gross profit in 2014.

The table that follows details changes in gross profit in 2014 over 2013.

Marina Gross Profit - 2014 Over 2013			
	Decreased	Stayed Same	Increased
Ownership Type/ Size/ Age		% of Respondents	
Government Owner	9.0%	34.0%	57.0%
Corporate Owner	17.8%	28.6%	53.6%
Private Owner	**22.4%**	**24.5%**	**53.1%**
Overall	19.2%	28.8%	52.0%
New (Less than 7 Years)	53.8%	50.0%	68.0%
Medium (8 - 35 Years)	21.5%	20.0%	0.0%
Old (36+ Years)	**24.7%**	**30.0%**	**32.0%**

The majority (53.1%) of private owner reported that gross profit increased in 2014. The majority (32%) of marinas over 36 years old reported that gross profit increased in 2014.

Conclusion

The majority of respondents indicated stable to increasing occupancy rates in 2014 over 2013. Most respondents had an occupancy rate above 85%. Most respondents also indicated increased revenues. These are all positive indications for the marina industry.

An article in Marina Dock Trends states that the market is improving for marina properties. The article reports that pre-recession, marina capitalization rates were around 5% to 6%. Post-recession through May 2014, capitalization rates were around 10%. Since May 2014, capitalization rates for marinas began decreasing.

Though the boating industry experienced a decline in revenue and participation during the recession, demand for slips far exceeds the current supply. Many industry experts as well as local brokers in

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marina sales have indicated that now is a good time to invest in a marina, despite the previous recession and limited financing.

Competitive Marinas

The most significant supply and demand indicators for the subject are rental and occupancy rates experienced by directly competing properties. The operation of a pleasure craft marina provides revenue sources which include a mix of various rental, sales and services for the pleasure craft operators. Principle revenue stream for pleasure craft marinas includes in-water slips, fuel sales, and building rent.

The subject's asking and average contract rates are shown in the table that follows. The current operator is leasing the marina slips by linear feet of vessel length. We have then converted this rental income into a rental rate per linear foot of dock space. The subject offers slip rental on a daily, weekly, monthly, seasonal and annual basis. The contracted rental rates represent a blend of these rates, from daily tenants to long term tenants on annual leases. According to management, approximately 60% of the occupants at any given time are seasonal or annual tenants.

Marina Rent Roll

Year	# of Slips	Average LF per Slip	Total Annual LF Available	Total LF Occupied	Annual Occupancy Rate	Total Rental Revenue	Average Monthly Rental Rate/LF
2010	105	53.29	2,042,170	1,379,235	67.5%	$1,551,721	$34.22
2011	105	53.18	2,038,110	1,298,157	63.7%	$1,490,744	$34.93
2012	105	54.24	2,078,880	1,155,377	55.6%	$1,290,526	$33.97
2013	105	54.10	2,073,200	1,206,388	58.2%	$1,362,951	$34.36
2014	105	54.10	2,073,200	1,233,672	59.5%	$1,513,100	$37.31
2015 (Annualized)	105	54.10	2,073,200	1,172,976	56.6%	$1,438,110	$37.29
Average	105	54	2,063,127	1,240,968	60.1%	$1,441,192	$35.35

We weren't provided with a current rent roll for the marina slips but we were provided with monthly historical occupancy and rental rate data. With the transient nature of marina tenants, a historical rent and occupancy figures are a more accurate indication of the income properties of the marina. Rental rates at the subject, and in this market, are based on a rate per linear foot of vessel length. As discussed earlier, the subject contains 105 wet slips with a total of 5,680 linear feet of rentable dock space, which indicates a total of 2,073,200 rentable linear feet per year.

As of the effective valuation date, the subject marina has experienced an overall occupancy rate of 56.3% for the year to date 2015. We have looked at occupancy rates on an average, annual basis due to the seasonal characteristics of this property type in this market. Again, due to the transient nature of the tenants in this property type and the short term nature of the leases which can range from daily to annually, the overall occupancy rate will be lower than other commercial property types such as lodging, multifamily, retail and office. The subject's current occupancy rate is slightly lower than historical rates, but the property is considered to be at stabilized occupancy.

The weighted average contract rate is $37.29 per linear foot per month for the year to date 2015, which equates to an average contract rate of $447.50 per linear foot per year.

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Competitive Marinas

The competitive marina rates are shown on the page that follows. It is our opinion that the subject's rates are at market levels; based on its age, location, and condition.

Competitive Marinas - St. Thomas

Marina	# of Wet Slips	Length	Avg. Monthly Wet Slip Rental/LF	Avg. Annual Wet Slip Rental/LF	Services/Amenities
Sapphire Beach Resort and Marina 6720 Estate Smith Bay St. Thomas, VI	67	50'	$18.00	$216.00	Marina is located in a beachfront resort property. Amenties include 24/7 security, dock power/AC hookup, WIFI, fresh water hookup, showers and hotel resort amenties. Some of these docks are privately owned, but rental rates are typical throughout. This is an uprotected marina.
Compass Point Marina 41-6-1 & 41-7 Estate Frydenhoj St. Thomas, VI	38 59 46 10	<30' 31'-40' 41'-50' >50'	$18.30 $16.61 $16.89 $17.67	$219.60 $199.32 $202.68 $212.04	This marina is also located in Benner Bay and includes a combination of apartments, retail and office space containing 25,552 square feet of rentable area. Amenities include, fresh water and electricity and finger peirs.
Yacht Haven Grande Long Bay Rd, Charlotte Amalie St. Thomas, VI	46	<80' 80'-175' >175"	$84.25 $129.12 $164.40	$1,011.05 $1,549.43 $1,972.83	This marina is located in Long Bay near Charlotte Amalie in St. Thomas. This is considered the premier luxury marina in the U.S. Virgin Islands and has the ability to berth megayachts up to 450 feet in length. There is 80,000 sf of high-end retail space at the property. Marina amenities include electricity and fresh water, shower facilities, swimming pool and spa, business services, fueling, waste management services, 24/7 security, laundry service and provisioning options. The rental rate displayed is an average of summer and winter rates, and does not include utilities or service amenities.
Crown Bay Marina 8167 Sub Base St. Thomas, VI	99	<55' 56'-75' 76'-130' 131'-200'	$82.13 $109.50 $126.23 $142.96	$985.50 $1,314.00 $1,514.75 $1,715.50	Full-service marina able to berth vessels up to 200 feet in length and located less than 2.0 miles from the Cyril E. King International Airport. This property also contains a significant amount of retail/commercial building space with various shops, restaurants and office space. Amenities include electricity, fresh water, fueling, full-service conciege desk, free wifi, satellite TV, 24/7 security and showers.
Oasis Cove Marina 135 Estate Frydenhoj St. Thomas, VI	26	<30' 30' - 60'	$26.67 $24.44	$320.00 $293.33	Located in Benner Bay, this marina was recently renovated within the past two years. Amenities include 24/7 security, fresh water hookups, electricity, WIFI, and good overall construction. The marina requires a one-year contract for wet slip rentals.
American Yacht Harbor 18A-1, 18-B1,18-B and 18-W Remainder Estate Smith Bay St. Thomas, VI	98 7	<49' 50' - 79' >80' T-Heads	$43.50 $50.80 $102.81 $102.81	$521.95 $609.55 $1,233.70 $1,233.70	Subject marina that is part of a full scale, mixed use property that contains various retail and office compontents. There are a total of 9 restaurants on this property and many more shops and stores throughout. Marina amenities include electricity, fresh water, 24/7 security, WIFI and on-site fuel.

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Competitive Marinas - British Virgin Islands

Marina	# of Wet Slips	Length	Avg. Monthly Wet Slip Rental/LF	Avg. Annual Wet Slip Rental/LF	Services/Amenities
Soper's Hole Marina West End Tortola, BVI	45	<80' >80'	$38.02 $57.03	$456.25 $684.38	Mixed-use marina property that contains shops, restaurants, offices and water-sports rentals in addition to 20 protected moorings and 45 wet slips. Amenities include electricity, fresh water, fueling, showers, waste management, and free wifi in addition to haul-out and repair and maintenance services.
Nany Cay Tortola, BVI	180	35'-49' 50'-100' <100' T-Head	$43.95 $51.86 $78.32 $71.78	$527.43 $622.33 $939.88 $861.40	This is a protected marina located on the southern coast of Tortola, between Road Town and West End. The property contains retail, office and hotel uses on site. Amenities include electricity, fresh water, showers, waste disposal and haul and repairs and maintenance services. This marina also includes dry slips which are not included in this analysis.
Virgin Gorda Yacht Harbor St Thomas Bay Virgin Gorda, BVI	120	<55' 56'-79' <80'	$34.98 $76.04 $83.65	$419.75 $912.50 $1,003.75	This marina is located in Spanish Town on the island of Virgin Gorda. Both wet and dry slips are offered but the dry slip rates have not been considered in this analysis. There are some retail and office components at the property. Marina amenities include electricity, fresh water, showers, garbage disposal, laundry, provisioning and fueling.

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Maps of Competitive Marinas

St. Thomas

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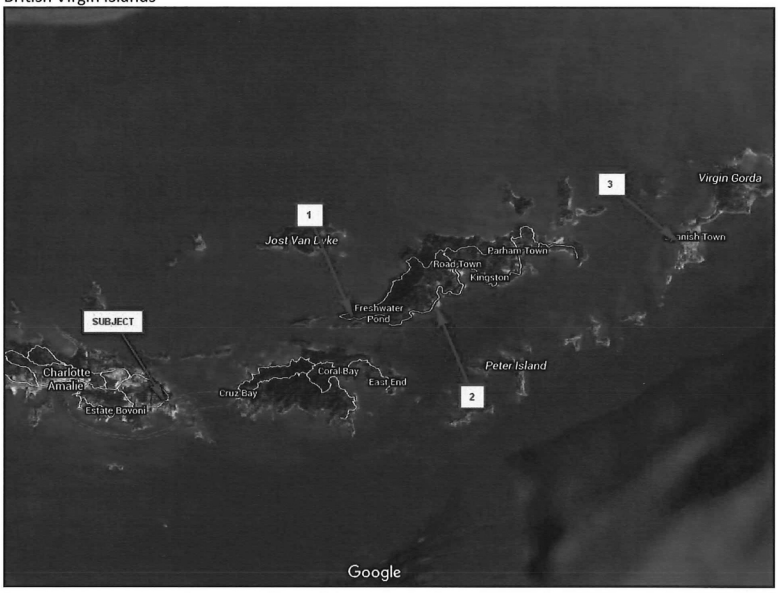
British Virgin Islands



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Of the comparable marinas in St. Thomas, Yacht Haven Grande is the most superior in terms of location, quality and amenities. This marina is typically geared to extremely large vessels such as mega-yachts. Crown Bay Marina is slightly inferior to Yacht Haven Grande, but is still superior to the subject in quality and amenities. Sapphire Beach Resort, Compass Point and Oasis Cove are all considered to be inferior marinas to the subject based on location, quality and amenities offered. These marinas mostly cater to live-aboards and smaller vessels.

The most comparable properties are located in the British Virgin Islands (BVI). Nany Cay and Virgin Gorda Yacht Harbor are slightly superior to Soper's Hole, but they are all similar in quality and amenities as the subject property. The location of the subject in St. Thomas, and its specific location within St. Thomas, is considered superior based on convenience.

The majority of the subject's wet slips (98 out of 105) allow for vessels less than 80'. In this size range, the comparable marinas in St. Thomas range from $199.32 - $1,314 with an average of $578.38 per linear foot. The comparable marinas in the BVI range from $419.75 - $912.50 with an average of $587.65 per linear foot in this size range. The subject's asking rates for this size vessel averages approximately $565.75, which is slightly below average but reasonable.

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Property Analysis

Land Description and Analysis

Land Area Summary

Parcel ID	Address	SF	Acres
1-07702-0135-00	18A-1 Remainder Smith Bay	9,583	0.22
1-07702-0134-00	18B-1 Remainder Smith Bay	20,909	0.48
1-07702-0133-00	18B Remainder Smith Bay	61,855	1.42
1-07702-0198-00	18-W (filled land)	27,878	0.64
Total		120,226	2.76

Source: Land survey by Brian Moseley dated 12/10/2010

Note that Parcel No 18-W was originally submerged seabed in Vessup Bay; however, this area was re-claimed (filled) at an unknown date and subsequently improved upon. The subject property also includes a leasehold interest in 3.2 acres of submerged seabed under the dock structures that is owned by the Government of the Virgin Islands.

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Land Description	
Land Area	2.76 acres; 120,226 SF
Source of Land Area	Land survey by Brian Moseley dated 12/10/2010
Primary Street Frontage	Smith Bay Road - 765 feet
Shape	Irregular
Corner	No
Water Frontage	Yes
Topography	Genetly sloping east and towards the water
Drainage	No problems reported or observed
Environmental Hazards	None reported or observed
Ground Stability	No problems reported or observed
Flood Area Panel Number	7800000029G
Date	April 16, 2007
Zone	AE
Description	Within 100-year floodplain
Insurance Required?	Yes
Zoning; Other Regulations	
Zoning Jurisdiction	U.S. Virgin Islands Department of Planning and Natural Resources
Zoning Designation	W-1
Description	Waterfront - Pleasure
Legally Conforming?	Appears to be legally nonconforming
Zoning Change Likely?	No
Permitted Uses	Variety of commercial uses, oriented towards water recreation and hospitality uses
Minimum Lot Area	10,000 s.f.
Minimum Street Frontage (Feet)	None
Minimum Lot Width (Feet)	100'
Minimum Front Setback (Feet)	25'
Minimum Side Yard (Feet)	10'
Maximum Building Height	3 stories
Maximum Site Coverage	0.4
Maximum Density	Maximum of 2 dwelling units per lot or 8.35 dwelling units per acre
Rent Control	No
Other Land Use Regulations	None that we are aware
Utilities	
Service	Provider
Water	Reverse Osmosis/WAPA available
Sewer	WAPA
Electricity	WAPA
Natural Gas	N/A
Local Phone	Various providers

It appears based the land survey provided that a portion of the building improvements does not meet the setback requirements by zoning and that the subject is a legal, nonconforming use. However, we

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are not experts in the interpretation of zoning ordinances. An appropriately qualified land use attorney should be engaged if a determination of compliance with zoning is required.

The subject is located within a 100-year floodplain related to coastal flooding, which would require additional insurance at the expense of the owner.

The subject site has 765 linear feet of frontage along Smith Bay Road. In addition, the subject has 846 linear feet of water frontage along Vessup Bay. There is no beach along the waterfront portion; with the coastline being that of existing and former mangroves. It is assumed that dredging occurred at some point in time which enabled dockage in close proximity to the water line.

Easements, Encroachments and Restrictions

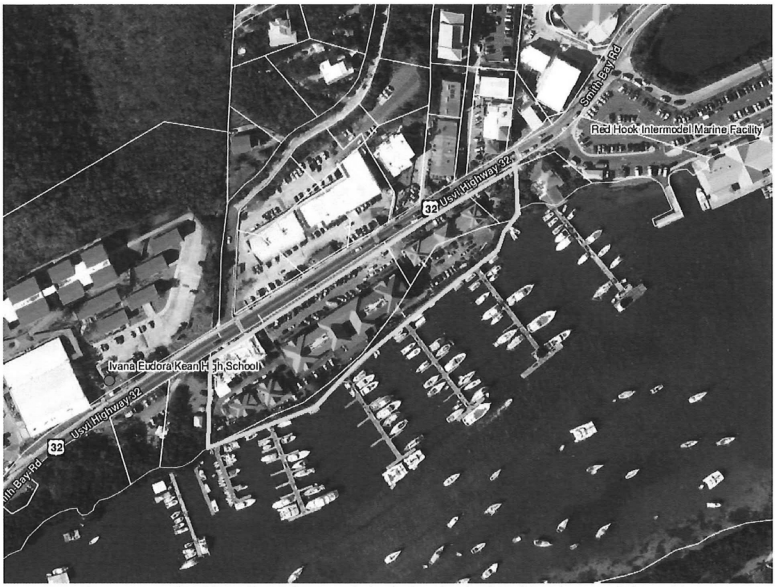
Based upon a review of the deed and property survey, there do not appear to be any easements, encroachments, or restrictions that would adversely affect value. According to the property survey provided, the subject parking garage encroaches the neighboring parcel to the north in two separate areas: an 82 square foot area encroaches onto Parcel 18N-1-A A, and a 105 square foot area encroaches onto Parcel 18B-2 A. These areas are small in size and the parcels being encroached upon are uneconomic remnants of land owned by the Government of the Virgin Islands. As a result, these encroachments do not have an adverse effect on the overall value of the subject. Our valuation assumes no adverse impacts from easements, encroachments, or restrictions, and further assumes that the subject has clear and marketable title.

Conclusion of Land Analysis

Overall, the physical characteristics of the site and the availability of utilities result in functional utility suitable for a variety of uses including those permitted by zoning. The subject's location along Smith Bay Road in the heart of Red Hook, along with its extensive water frontage on Vessup Bay, are major drivers of demand and value for marina and commercial use on the site. We are not aware of any other particular restrictions on development.

HOUSE_OVERSIGHT_018849

Cadastral Map



Note that the area outlined in yellow above only includes the (upland) land area of the subject property and not seabed beneath the marina.

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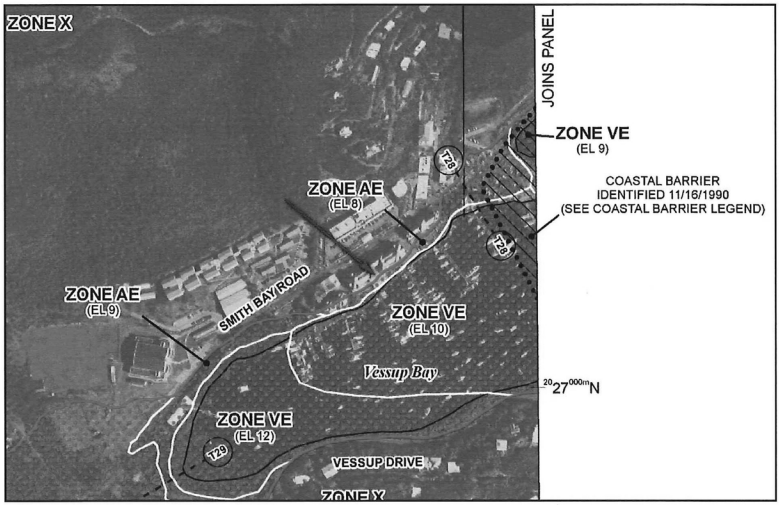
Flood Map



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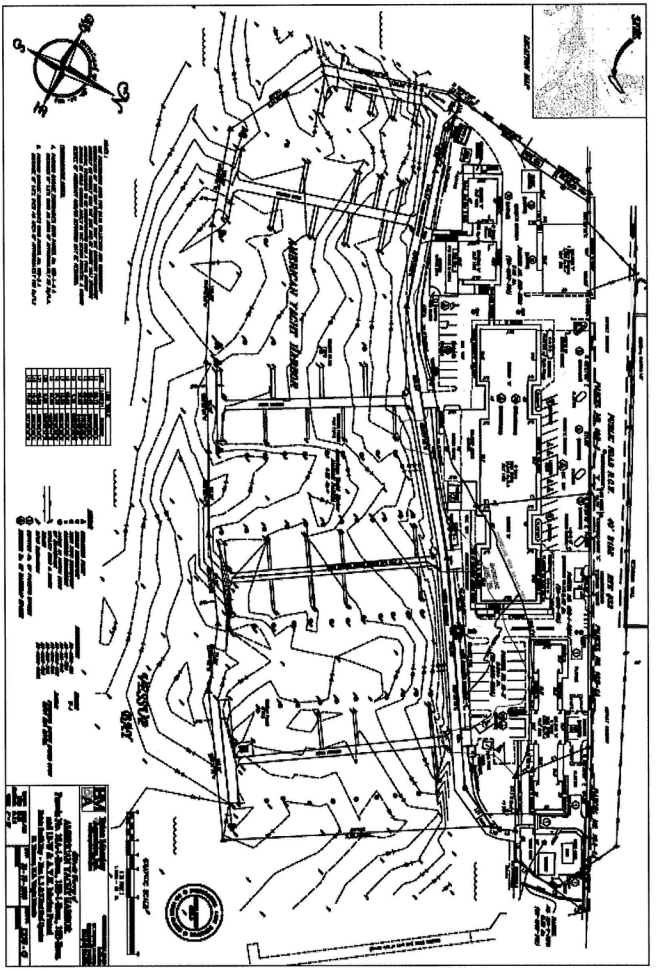
Site Plan



HOUSE_OVERSIGHT_018852

Improvements Description and Analysis

The subject is an existing 250-slip marina with 5 commercial buildings containing a mixture of retail and office space types. The buildings contain 48,661 square feet of rentable area and were constructed in multiple stages; with the majority of the construction completed in 1993. The commercial space is 85% leased as of the effective appraisal date. The marina docks were constructed in multiple phases between 1991-1995 and are 52.8% occupied as of the effective appraisal date. The total site area is 2.76 acres or 120,226 square feet, which includes 0.64 acre or 27,878 square feet, that is re-claimed land. The property also includes 3.2 acres of seabed under the marina dock structures which is leased to the property owner from the Government of the Virgin Islands.

Improvements Description	
Name of Property	IGY American Yacht Harbor Marina
General Property Type	Mixed Use
Property Sub Type	Marina
Competitive Property Class	B
Occupancy Type	Multi-Tenant
Percent Leased	85%
Number of Tenants	36
Tenant Size Range (SF)	292 - 6,000
Number of Buildings	5
Stories	3
Construction Class	A
Construction Type	Steel frame
Construction Quality	Good
Condition	Good
Units per Acre (Density)	38.0
Gross Building Area (SF)	72,808
Rentable Area (SF)	48,652
Land Area (SF)	120,226
Floor Area Ratio (RA/Land SF)	0.40
Floor Area Ratio (GBA/Land SF)	0.61
Building Area Source	Rent roll and land survey by Brian Moseley dated 12/10/2010
Year Built	1992
Year Renovated	N/A
Actual Age (Yrs.)	23
Estimated Effective Age (Yrs.)	15
Estimated Economic Life (Yrs.)	55
Remaining Economic Life (Yrs.)	40
Number of Parking Spaces	167
Source of Parking Count	Inspection
Parking Type	89 surface; 78 covered, underground
Parking Spaces/1,000 SF RA	3.43

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Construction Details	
Foundation	Reinforced concrete footings
Structural Frame	Steel frame
Corridor	Exterior breezeways
Exterior Walls	Painted mansory on the lower levels, wood-siding on the upper levels
Windows	Fixed commercial glass with wooden hurricane shutters
Roof	Pitched with standing seam metal roof
Interior Finishes	The subject property contains a total GBA of 72,808 and a rentable area of 48,652. The large difference in area totals is due to a siginificant amount of exterior common areas as well as a 1,406 SF management office. The improvements are contained within five total buildings varying from one story to three stories. Each building contains a mixutre of retail and office space, with the retail spaces generally on the ground levels and the office spaces generally on the upper levels. The interior upfits of the spaces vary in use, quality and condition but generally are considered to be of good quality and condition. Based on the rent roll there are a total of 39 rentable spaces of which 10 are upfit as bar/restaurants (3 which share a kitchen), 17 are considered general retail spaces, 11 are considered general office spaces and one is considered a storage space.
Floors	Combination of carpet, ceramic or porcelain tile, hardwood, and exposed brick.
Walls	Combination of rendered and painted masonry and painted sheetrock.
Ceilings	Combination of suspended grid accoustic panels, painted sheetrock, and tongue and groove or bead board.
Lighting	Combination of incandescent and fluorescent lighting with fixtures ranging from average to good quality.
Electrical	Assumed typical installation to code
Plumbing	Assumed typical installation to code
Heating	None
Air Conditioning	Central
Utility Meters - Tenants	Individually metered for water and electricity
Elevators	One
Rest Rooms	Common area bathroom are adequate. There are four full bathrooms of good quality that are available to tenants of the marina.
Sprinklers	None
Other Fire Safety	Steel structural beams are fire coated with concrete
Security	The subject is gated along the waterfront and interior/exterior security cameras are installed throughout the property.
Site Improvements	
Landscaping	Average
No. of Customer Parking Spaces	167
Gates/Fencing	Over 6' aluminum gate along the subject's waterfrontage
Paving	Combination of concrete and brick pavers

HOUSE_OVERSIGHT_018854

Improvements Analysis – Building Improvements

Quality and Condition

The quality and condition of the subject is considered to be superior to that of competing properties. The interior and exterior building improvements are considered to be of good quality and in good condition based on our inspection.

Functional Utility

The improvements appear to be adequately suited to their current use, and there do not appear to be any significant items of functional obsolescence.

Deferred Maintenance

A few items of deferred maintenance were identified during our inspection and based on discussions with management. These include repairs and replacement to the parking garage ceiling, replacing the wooden deck on the upper level Building A, and re-facing various portions of the marina jettys. Note that a detailed description of the marina improvements will be discussed in the following section of this report. To estimate the cost to cure deferred maintenance, we rely on construction estimates from management as shown below.

Deferred Maintenance

Item	Estimated Cost
Parking garage ceiling	$40,000
Wooden deck repair/replacement	$25,000
Marina decking and fendering repair/replace	$96,000
Total	$161,000

*Values expressed in United States Dollars

Planned Capital Expenditures

From 2013 to 2015, a total of $771,460.93 has been spent on various capital expenditures. The major improvements over the past three years were $84,088 for exterior column replacement, $62,172 for security cameras, $62,013 for marina bathrooms, and $281,950 for hand rail replacement. Upcoming expenditures for various capital items considered to be necessary are identified in the following table. To estimate the amounts of these expenditures, we rely on discussions with management. Estimated capital expenditures are as follows.

HOUSE_OVERSIGHT_018855

Capital Expenditures	
Item	Year 1
Transformer	$10,000
Exterior stairwell repairs	$30,000
Total	$40,000
Percent Applied	100%
Net Total	$40,000

*Values expressed in United States Dollars

ADA Compliance

Based on our inspection and information provided, we are not aware of any ADA issues. However, we are not expert in ADA matters, and further study by an appropriately qualified professional would be recommended to assess ADA compliance.

Hazardous Substances

An environmental assessment report was not provided for review and environmental issues are beyond our scope of expertise. No hazardous substances were observed during our inspection of the improvements; however, we are not qualified to detect such substances. There are three 10,000 gallon diesel storage tanks and one 10,000 gallon gasoline storage tank located unground at the subject site. In addition, there is a marine fueling dock located on the marina. We have assumed there is no environment damage to the subject property as the result of these fuel stations and unless otherwise stated, we assume no hazardous conditions exist on or near the subject.

Personal Property

No personal property items were observed that would have any material contribution to market value.

Conclusion of Improvements Analysis

In comparison to other competitive properties in the region, the subject improvements are rated as follows:

Improvements Ratings	
Visibility/Exposure	Above Average
Design and Appearance	Above Average
Age/Condition	Above Average
Adaptability of Space to other Retail Users	Above Average
Bathrooms	Average
Parking Ratios	Below Average
Distance of Parking to Building Access	Average
Landscaping	Average

HOUSE_OVERSIGHT_018856

Overall, the quality, condition, and functional utility of the improvements are above average for their age and location. The subject benefits from good access and visibility from both the waterfront and the main thoroughfare of Smith Bay Road. In addition, the overall quality and condition of the subject is above average for this market. Due to the small site size and large number of commercial tenants, there is insufficient parking at the subject based on market standards.

Improvement Analysis – Marina

The marina currently contains 105 wet slips, although that number can vary somewhat depending on the size (width) of the occupying vessels. Each designated slip is supplied with its own electrical outlet and fresh water supply, as well as access to a refueling line. The individual slip sizes can vary based on boater needs, but they can accommodate a variety of vessels, typically within the range from 30 to 79 linear feet for the standard slips, and 79 to 110 linear feet for the T-head slips. In addition, some slips have an attached finger for easier access, which is considered more desirable.

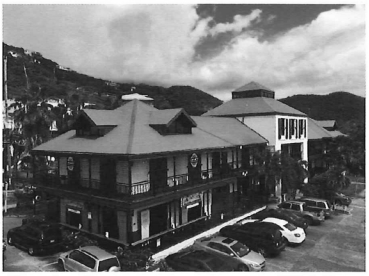
Generally the jetties and slips are constructed of PVC pilings bored and filled with concrete and steel; and wood plank surfacing. Many of the smaller slips are horizontally separated by wooden columns used to tie up vessels rather than there being jetties between each slip.

The physical docks were constructed over several years, from 1991-1995, and are considered to be in average condition. Ongoing renovations have been made to the docks throughout the years, with upcoming expenditures included a complete resurfacing as well as re-facing the wooden skirts on most concrete pilings. The docks consist of mostly concrete pilings and cross braces with some wood, along with wooden skirts and wood decking surface. There have been no major renovations to slip structure within the past five years.

The subject marina benefits greatly from its location in Vessup Bay, which is well protected and positioned in a convenient area at the heart of Red Hook. In addition, this bay has a direct route to St. John and the British Virgin Islands and has a depth that will accommodate vessels with a maximum draft of 10 feet and a maximum vessel length of 110 feet. The subject is one of the closest commercial marinas to both St. John and the BVI, and this convenient location is a major demand generator for commercial charters as well as vessels based in St. John and the BVI which are often in need of a fueling station. The quality and condition of the docks is considered to be average; however, the services and amenities offered at this marina are considered to be above average.

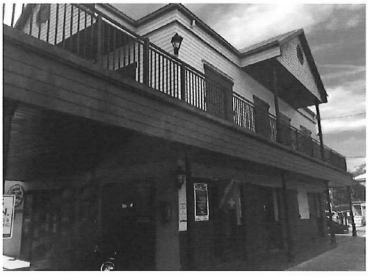
HOUSE_OVERSIGHT_018857

Front exterior of commercial building
(Photo Taken on November 25, 2015)

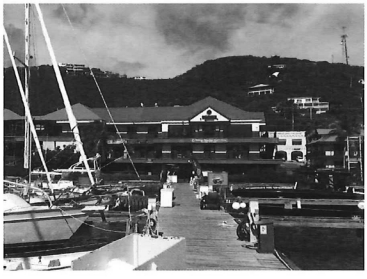


Front and side exterior of commercial building
(Photo Taken on November 25, 2015)

Side exterior of commercial building
(Photo Taken on November 25, 2015)



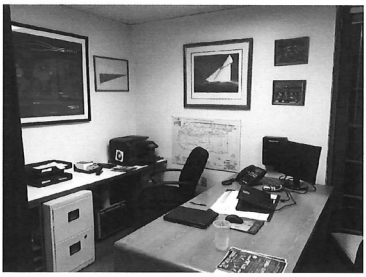
Rear and side exterior of commercial building
(Photo Taken on November 25, 2015)



Rear exterior of commercial building from marina dock
(Photo Taken on November 25, 2015)

Rear exterior of commercial building
(Photo Taken on November 25, 2015)

HOUSE_OVERSIGHT_018858



Interior of management office
(Photo Taken on November 25, 2015)

Bathrooms for marina tenants
(Photo Taken on November 25, 2015)

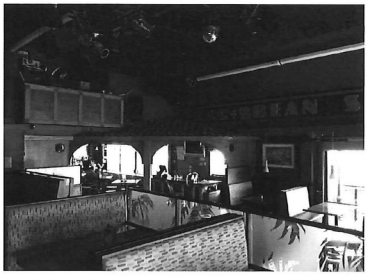
Interior of restaurant space
(Photo Taken on November 25, 2015)

Interior of general retail space
(Photo Taken on November 25, 2015)

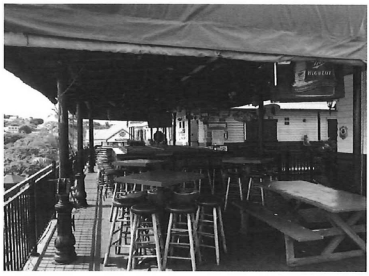
Interior of general retail space
(Photo Taken on November 25, 2015)

Interior of general retail space
(Photo Taken on November 25, 2015)

HOUSE_OVERSIGHT_018859

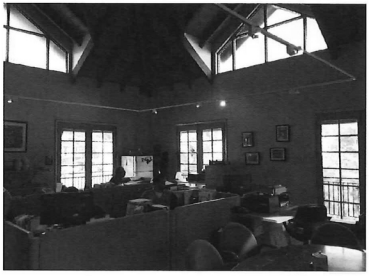


Interior of restaurant space
(Photo Taken on November 25, 2015)



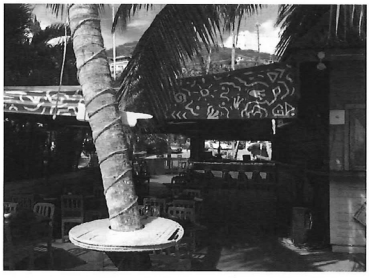
Interior of restaurant space
(Photo Taken on November 25, 2015)

Interior of vacant office space
(Photo Taken on November 25, 2015)



Interior of occupied office space
(Photo Taken on November 25, 2015)

Interior of restaurant space
(Photo Taken on November 25, 2015)

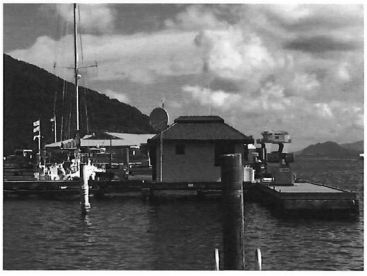


Interior of restaurant space
(Photo Taken on November 25, 2015)

HOUSE_OVERSIGHT_018860

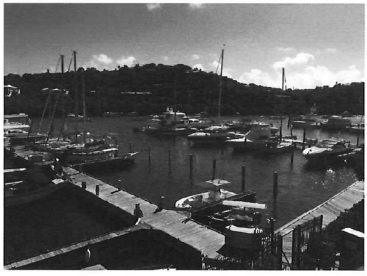
Typical marina dock
(Photo Taken on November 25, 2015)

Marina dock looking back to main commercial building
(Photo Taken on November 25, 2015)



Fuel dock
(Photo Taken on November 25, 2015)

Close-up of dock surface
(Photo Taken on November 25, 2015)



Overview of marina dock
(Photo Taken on November 25, 2015)

Street view of Smith Bay Road looking northeast
(Photo Taken on November 25, 2015)

HOUSE_OVERSIGHT_018861

Prosecutor's home torched after cameras disabled Page 2

Boards of Elections delay in counting votes violates V.I. Code Page 2

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The Virgin Islands

DAILY NEWS

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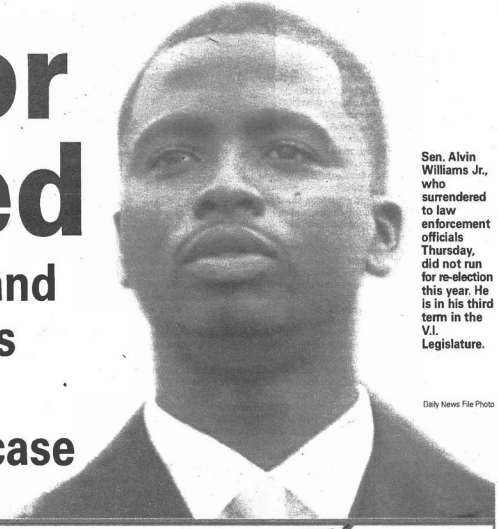
FRIDAY, NOVEMBER 9, 2012 82nd year, No. 22542

CHARGES: ILLEGAL PROCEEDS TOTAL $1.1 MILLION

Senator indicted

Alvin Williams Jr. and two Senate staffers arrested in federal fraud and bribery case

Page 3



Sen. Alvin Williams Jr., who surrendered to law enforcement officials Thursday, did not run for re-election this year. He is in his third term in the V.I. Legislature.

Daily News File Photo

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Prosecutor's home destroyed in suspected arson on St. Croix

By LOU MATTEI
Daily News Staff

ST. THOMAS — V.I. Police and V.I. Fire Service officials on St. Croix are investigating what they say is suspected arson at the home of a criminal prosecutor for the V.I. Attorney General's Office.

The Estate St. George home of Assistant Attorney General Kip Roberson was fully engulfed in flames when five Fire Service trucks responded to a 911 call about 11 a.m. Thursday, according to St. Croix Fire Chief Angel Torres Sr. and Attorney General Vincent Frazer.

Torres estimated that the home had been burning for about 15 minutes before the call came in. He said firefighters had to force their way through a motorized gate to gain access to the burning house. No one was inside, and no one was hurt in the blaze, but the home was completely destroyed, Torres said.

"It's a total loss," Torres said.

Torres said firefighters also found that surveillance cameras at the home had been tampered with.

"Someone cut the wires," he said. "The wires was pulled out and the screens were pulled out and thrown in the bushes."

Torres said firefighters found evidence of tampering on the doors to the home, which appeared that someone had tried to pry the doors open. The Fire Service did not leave the scene until 3:20 p.m., Torres said.

Torres said Thursday evening that the Fire Service had not contacted any witnesses at that point and that Roberson's home was located in an isolated area. He said he believed Roberson shared the home with another attorney, but he did not know the attorney's name.

"Apparently they were a couple, but it's an ongoing investigation," Torres said. "We gotta really follow up on some leads and stuff we're looking at."

Roberson could not be reached for comment Thursday evening.

Frazer declined to comment about Roberson's living situation. The attorney general said late Thursday that he had not yet been fully briefed on the fire, but he had a deputy on St. Croix looking into the question of whether the suspected arson could be connected to any cases Roberson was working.

"I hope not, but we will look into that," Frazer said.

Torres said the fire remains under investigation by the Police Department's forensics unit and the Fire Service's arson prevention unit. Anyone with information about the fire can call the Fire Service at **773-8050** and ask for the arson prevention unit.

Elections boards' slow vote count violates V.I. law

By LOU MATTEI
Daily News Staff

ST. THOMAS — Both Boards of Elections in the Virgin Islands have run afoul of the V.I. Code and board policies in the wake of Tuesday's general election, from which paper ballots are still being tallied.

The V.I. Code requires the boards to count the votes for each candidate within a day of receiving ballot materials from the polling places: "Each board of elections, after having received all statements, books, lists, papers, vouchers, ballots, ballot boxes and district register from each polling district and polling place in its district, shall convene not later than one day following the receipt thereof and determine the total number of votes cast in the election district for each candidate."

The law states that the boards must convene no later than three days after receiving the aforementioned materials to tally votes for the Board of Education and Board of Elections races.

On Tuesday, a majority of the votes from all races were cast on electronic machines, and results from those ballots were available within hours of the polls closing.

However, widespread distrust of the machines led to a spike in the use of paper ballots — more than 4,500 vote count and, in effect, hampered the boards' abilities to comply with the law.

Today marks the third day since the boards received all the ballots from the polling sites Tuesday night.

The St. Thomas-St. John Board hopes to finish counting the Senate races by the end of the day today before moving on to other races, according to board member Lorna Thomas.

The St. Croix Board is scheduled to begin counting its 2,781 paper ballots today.

Thomas, who helped on Thursday to oversee her board's tally of about 600 ballots in the Senate race, said the law makes little sense in the context of the territory's current paper ballots, which can be counted only by hand.

Daily News Photo by FIONA STOKES

St. Croix Board of Elections member Lisa Harris Moorhead looks on as board members and election judges sort and count ballots Thursday. The board issued a statement Thursday that it had finished sorting more than 2,700 ballots and will begin counting them today at the Election System Office in Sunny Isle Shopping Center.

"Literally it would have been impossible to follow," Thomas said when asked about the law. "I don't see how we could have done that."

Thomas said the board should have new voting machines by the 2014 elections that can tally paper ballots automatically.

When asked about enforcing the section of the law cited above, V.I. Attorney General Vincent Frazer said he "would have to look at that and see."

The boards' handling of the paper ballots also has brought them into conflict with a Board of Elections policy.

Joint Board of Elections Chairman Rupert Ross Jr. said Thursday that the joint board passed a policy earlier this year requiring the boards to begin counting any paper ballots the night of the election. He said the policy never was put into writing, but it may exist in some form in minutes from the meeting. He also said the policy lacked an enforcement mechanism.

Ross said the intent of the policy, which passed by a 6-5 vote, was to ensure that processing of the paper ballots began as soon as possible. The sooner the counting begins, the easier it is to comply with another section of the law that requires the boards to certify a final vote count within 10 days of an election, Ross reasoned.

The certification deadline already was weighing on the mind of Thomas, who pointed out the St. Thomas-St. John Board has yet to touch locked ballot boxes containing absentee ballots and walk-in votes.

Elections Supervisor John Abramson Jr. has said the district processed 412 walk-in ballots and mailed 331 absentee ballots.

But Thomas was optimistic that the board was gaining momentum after a troubled start.

"Tempers were a little tight yesterday, but everyone's happy today," Thomas said. "The public was much quieter and accommodating today, and we appreciated them taking time — that's the time — to thank the judges to do their jobs."

Candidate Lawrence Olive, who earned 304 paper-ballot votes on Thursday to bump Lisa Williams from ninth place in the Senate race, said he told his supporters to use the paper ballots as a more reliable — and legal — alternative to the electronic machines.

"If the trend continues, I don't see no reason why I will not be in the top seven," Olive said. "It just goes to show you that the paper ballot is the true count."

— Contact reporter Lou Mattei at 714-9124 or email lmattei@dailynews.vi.

Election Update

Senate At-Large

Craig Barshinger	11,133
Wilma Marsh-Monsanto	4,930

St. Thomas-St. John District

Clifford Graham	6,840
Shawn-Michael Malone	4,704
Myron Jackson	4,661
Janette Millin Young	4,407
Clarence Payne	3,851
Tregenza Roach	3,793
Donald Cole	3,352
Justin Harrigan Sr.	3,118
Lawrence Olive	3,003
Lisa Williams	2,823
Horace Brooks	2,610
Paul Alexander	2,202
Sean Georges	2,147
Marvin Blyden	2,125
Louis Willis	2,082
Alma Francis-Heyliger	1,911
Kent Bernier Sr.	1,800
Janelle Sarauw	1,750
Stephen Frett	1,436
Cecilia Millner-Emanuel	1,191
Joseph Gumbs	1,138
Kyza Callwood	949
Shirley Sadler	826
Elvin Fahie Sr.	804
Neville Amey	727
Ann Wheatley	642
Carol Berry	624
Omodoso Muhammad	411
Cleone Marrishow	327
Jodi Hodge	304
Josephine Lindquist	290
Andreas Tietje	272
Orial Webb	210
Walter Brown	183
Charlesworth Halstead	125

* Unofficial; as of Thursday.

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Sen. Alvin Williams Jr. charged with bribery, mail fraud and wire fraud

By ALDETH LEWIN
Daily News Staff

ST. THOMAS — Sen. Alvin Williams Jr. was arrested by federal agents Thursday and charged with bribery, mail fraud and wire fraud.

The proceeds of Williams' criminal activities $1.1 million, according to a statement from the U.S. Attorney's Office.

About 4 p.m. Thursday, almost a dozen 10 FBI agents converged on the V.I. Legislature building on St. Thomas, according to several eyewitnesses.

The agents went inside and came out escorting Kim Blackett, who is listed on the Legislature website as Williams' chief of staff. Blackett also was charged in an indictment filed Thursday.

Another staff member also was charged, according to the U.S. Attorney's Office, which did not release the person's name.

Senate President Ronald Russell said he was on St. Croix at the time the agents arrived at the Legislature, but he was informed of the arrest. Russell said he was told that Williams had surrendered to law enforcement officers.

"He turned himself in, that's what I understand," Russell said.

Russell said he had no additional information Thursday.

In October 2011, about 25 federal and local law enforcement officers raided the St. Thomas Senate building and Williams' office.

A federal grand jury handed up an indictment Thursday charging Williams, Blackett and a third person with operating and participating in criminal activities including bribery, wire fraud and mail fraud, U.S. Attorney for the District of the Virgin Islands Ronald Sharpe said in a prepared statement.

The indictment has not yet been posted by the District Court. However, the statement from Sharpe includes a number of details from the charging documents including that Williams is accused of:

- Attempting to bribe Public Works Commissioner Darryl Smalls with $10,000 in cash.
- Accepting bribes from the developers of Raphune Vistas.
- Accepting $35,000 in bribes from the developers of the wind turbines at Tutu Park Mall.
- Soliciting kick-backs from his own staff in exchange for salary raises.
- Committing wire fraud by using public funds to pay for courses and having staff members submit work in his name to obtain an online degree in his name from University of Phoenix.

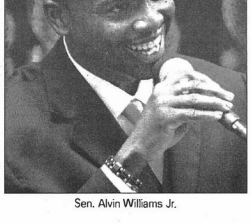
According to Sharpe, if Blackett and Williams are convicted, they face a maximum 20-year prison sentence and up to $250,000 in fines.

Public Works

On Sept. 5, 2009, Williams gave the V.I. Public Works Commissioner $10,000 in cash in an attempt to bribe him to give contracts to Ace Development Inc., a company in which Williams had an interest, Sharpe said.

In his answers to a Daily News candidate questionnaire for the 2006 Voter Guide, Williams said he was the owner of Ace Development Inc.

At the time, Darryl Smalls was the Public Works Commissioner. When The Daily News reached Smalls on Thursday night, he said he had no comment.



Sen. Alvin Williams Jr.

Raphune Vistas

Between Feb. 21, 2007, and Nov. 18, 2011, Williams solicited a bribe from the developers of the Raphune Vista housing development project on St. Thomas, according to the U.S. Attorney's office. The indictment says Williams promoted legislative action and supported the authorization of funding and zoning of the project in exchange for which Ace Development received a contract related to the construction of Raphune Vistas, Sharpe said.

As part of the contract, Ace Development used and/or rented construction equipment to the developers, Sharpe wrote.

In May 2009, the Senate approved a zoning change for Oceanside Village Inc., the developers of Raphune Vistas, from R-1, residential low density one- and two-family, to R-4, residential medium density — against the recommendations of the V.I. Department of Planning and Natural Resources.

In June 2009, Gov. John deJongh Jr. vetoed the zoning change.

Tutu wind turbines

In September 2008, Williams asked for and received a $10,000 campaign contribution from the developers of the Tutu Park windmill project as a bribe to support legislation supporting the project, Sharpe said.

Williams also solicited $25,000 in campaign contributions from the wind turbine developers between September 2008 and September 2009, according to the federal prosecutor.

A number of companies were involved with the wind turbine project, including Green Power Electric; Dallas-based Earth, Wind and Power; and Island Wind Power.

When the Senate passed a comprehensive renewable energy bill in 2009, an amendment was tacked on to change the zoning code to allow wind turbines in B-1 and B-3 business zones without having to seek separate zoning approval. The legislation also would have allowed wholesale renewable energy production in B-4 and B-3 zones.

The measure was line-item vetoed by deJongh in July 2009.

Campaign funds and false reports

From January 2006 to December 2011, Williams and a legislative staff member failed to deposit certain campaign contributions; withdrew funds from a campaign account; and submitted false campaign disclosure reports that failed to include certain contributions, according to Sharpe.

Kick-backs from staff

In the summer of 2010, Williams tried to solicit kick-backs from his own staff in exchange for giving them salary increases, the statement from the U.S. attorney's office said.

According to Sharpe, the staff members were supposed to withdraw a portion of the increased salary in cash and give it to Williams.

From September 2010 to July 2011, Williams received such a bribe, Sharpe said.

University of Phoenix

From April 2007 to February 2008 and from January 2008 to October 2011, Williams and a staff member committed federal wire fraud as the senator sought online degrees from the University of Phoenix.

"The indictment alleges that the staff member falsely submitted various documents that were generated, created and authored by others under the direction of and in the name of Williams," Sharpe said in the statement.

From January 2008 to October 2011, Williams and Blackett defrauded the government by using public funds for non-legislative purposes, namely pursuing an online degree for Williams, Sharpe said.

"As the law enforcement arm of the U.S. Department of Education, the Office of Inspector General will aggressively pursue anyone who games the Education system for their own selfish purpose," Special Agent-in-charge of the U.S. Department of Education Office of Inspector General Yessyka Santana said in a written statement.

The investigation

The investigation leading to the indictment was conducted by the Public Corruption Task Force, a joint federal and local team.

The case is being prosecuted by Assistant U.S. Attorneys Kim Lindquist, Nolan Paige and Kelly Lake.

"The prosecution of public corruption is a top priority of the U.S. Attorney's Office," Sharpe said. "It is a breach of the public trust for public officials to use their office for personal gain."

"These individuals have allegedly abused their powers by utilizing their positions to discreetly conduct illegal activities," IRS-CI Special Agent-in-charge Jose Gonzalez said Thursday. "IRS-CI is committed to following the money trail to ensure that public officials who use their office to line their own pockets are brought to justice and deprived of their ill-gotten gains."

Sharpe asked anyone with direct knowledge of illegal acts or information on corruption in the Virgin Islands to call the Public Corruption Task Force at **715-6516**.

— Contact reporter Aldeth Lewin at 714-9111 or email alewin@dailynews.vi.

Alvin Williams Jr., 34

Democrat

Senator, St. Thomas-St. John District.

Years served: 28th, 29th Legislatures.

Committees: Chairman of Planning and Environment Protection; vice chairman of Government Operations; member of Rules and Judiciary, Housing, Sports and Veterans Affairs, Public Safety, Homeland Security and Justice; liaison to the U.S. Congress.

Education: 1996 graduate of Charlotte Amalie High School.

Claims to have earned an AA online degree from University of Phoenix, but federal indictment puts that in question.

Community positions: Former president of St. Thomas-St. John Horse Owners Association.

Prior employment: Owner of Ace Development Inc. and general manager of Alvin Williams Trucking and Heavy Equipment Rental, which his Legislature website says has been "contracted by the federal and local governments to provide major development services in the territory."

Alvin Williams Jr.'s Senate staff

Kim Blackett, chief of staff.

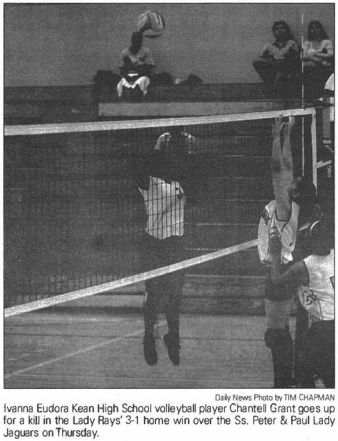
Garry Sprauve, senior advisor.

Rasheen St. Juste, constituent officer.

Phillip Harrigan, public relations officer-committee coordinator.

Jonee' Edwards, administrative assistant, legislative aide.

Sources: V.I. Legislature website, www.legvi.org; Williams' answers to Daily News 2006 Voter Guide questionnaire.



Daily News Photo by TIM CHAPMAN

Ivanna Eudora Kean High School volleyball player Chantell Grant goes up for a kill in the Lady Rays' 3-1 home win over the Ss. Peter & Paul Lady Jaguars on Thursday.

VOLLEYBALL

CONTINUED FROM THE BACK PAGE

the ball over her own head and just inside the out-of-bounds antenna. The ball dropped untouched in the center of the Ss. Peter and Paul half.

The Lady Jags struggled to forget about such points and assistant coach Ronald Blyden noted that emotion is the team's biggest issue. Blyden was filling in for head coach Gigi Quetel, who was unable to attend the game.

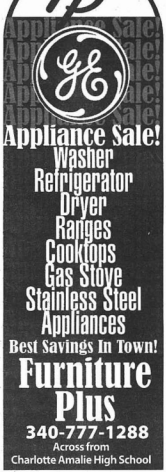
"They have their issues and their problems — I understand that — but they feed off of each other negatively, unfortunately," Blyden said. "But they are gifted, that's for sure. That's one of the reasons I'm sticking with them and I don't want to leave."

Kean (7-3) will try to transfer its energy over to St. Croix today and Saturday at the Educational Complex Invitational. Coach Jennifer Matthias hopes to see more consistency out of her team, especially Grant.

"She brings a lot of energy, but sometimes her energy is in her mouth, cheering. But I need more of her energy to go into playing more on the court," Matthias said.

"They love to cheer and make that kind of noise, but I wish they had that energy also when they're playing the ball. They're a good group of girls, but sometimes they get sidetracked."

— Contact reporter Tim Chapman at 714-9102 or tchapman@dailynews.vi.



Boras: Dodgers 'bought store,' Mets 'in freezer'

By RONALD BLUM
The Associated Press

INDIAN WELLS, Calif. — With baseball awash in record revenue as the signing season starts, Scott Boras compares the habits of teams to families sifting through supermarket shelves.

At the winter meetings in Dallas last year, the agent had this to say of the financially troubled Los Angeles Dodgers and New York Mets: "Normally, they're in the steaks section, and I found them in the fruits-and-nuts category a lot."

Since then, the Dodgers have been sold for $2 billion. The Mets owners have agreed to pay up to $162 million — and likely much less — in a deal with the trustee for Bernard Madoff's fraud victims.

So on Wednesday at the general managers' meeting, Boras said his view of the Dodgers had changed.

"I think they bought the store," he said.

And as for the Mets?

"The best you can say is that they might be in the freezer section," he explained. "But there's a lot of good, longstanding products that they can acquire there."

Slugger Josh Hamilton and pitcher Zack Greinke are among the top players in a relatively weak free-agent class that also includes outfielders B.J. Upton, Michael Bourn, Torii Hunter and Nick Swisher; first baseman Adam LaRoche; and pitchers Kyle Lohse and Rafael Soriano.

Baseball estimates revenue this year at $2.5 billion — an increase of about $500 million. National television contracts with Fox and Turner that run from 2014-21 will double the average yearly money baseball receives to about $800 million.

And perhaps the biggest evidence of baseball's wealth is franchise values — the Dodgers sold for $2 billion this year in a bankruptcy court auction and the lowly San Diego Padres were bought for $800 million.

Since the Dodgers were bought last spring by a group headed by Mark Walter, Stan Kasten and Magic Johnson, they increased their payroll by about $35 million, adding infielder Hanley Ramirez, first baseman Adrian Gonzalez, closer Brandon League, pitcher Josh Beckett and outfielder Carl Crawford.

The Dodgers' payroll next year might approach or surpass that of the New York Yankees, who have topped spending every year since Los Angeles edged them by $1 million in 2001.

New York is vowing to cut its payroll by 2014 because of changes in the collective bargaining agreement that will cut the team's revenue-sharing bill if it doesn't wind up paying a luxury tax.

Infielder Maicer Izturis became the first major league free agent to switch teams this offseason, agreeing to a $10 million, three-year contract with the Toronto Blue Jays. The 32-year-old hit .256 with 17 steals in 19 tries, two homers and 20 RBIs this year for the Angels.

FOOTBALL

CONTINUED FROM THE BACK PAGE

against Charlotte Amalie High School in mid-October, but rebounded with a 46-0 win over Central High on St. Croix before last week's bye.

"We have a lot of senior leadership," Neely said, "so really these guys govern themselves — guys like Nathan Braithwaite, our quarterback."

Braithwaite, a senior, has found Cilliers and senior receivers Omar Henderson and Lucas Berry on touchdown passes.

Kean High sophomore quarterback Shunnel Greenaway must exhibit more poise to give his team a chance.

Greenaway looked sharp in the first half of last week's 36-10 loss to CAHS, but the offense sputtered down the stretch.

"I'm trying to keep him to maintain focus and be patient," Donovan said. "When he was patient in the first half of the game, we were moving the ball. Everything doesn't have to be deep. Every pass doesn't have to be a touchdown right away. He's only 16 years old, so sometimes he gets too excited and gets away from the pace of the game."

Greenaway's protection will not come easy. Cilliers had two sacks and recovered a fumble to lead the Arawaks defense in the first meeting.

If the Arawaks win tonight and defeat CAHS (4-0) next week, both teams will have one loss. CAHS is idle the following week, and the Arawaks finish against struggling St. Croix Educational Complex.

In the case of a tie in the final regular season standings, point differential will determine which team qualifies for the territory championship on Dec. 8.

Local Briefs

Basketball clinics

ST. CROIX — The Sports, Parks and Recreation Department will conduct after-school basketball clinics at Rudy Krigger Ballpark in Sion Farm every Wednesday through Dec. 19.

The clinics are geared toward teaching youths the fundamentals of basketball and are for children ages 7 through 12. Free registration is from 1 p.m. to 6 p.m. at Krigger Ballpark. For more information, call Carita Stevens at **773-0160.**

St. Thomas Yacht Club race, fundraiser

ST. THOMAS — The St. Thomas Yacht Club is hosting a race and pig roast on Dec. 15 to benefit the club's youth sailing program.

The $40 entrance fee includes two tickets per boat for the pig roast following the race. Sailors of all ages are welcome, and the race is open to IC-24s, Racers, Cruising boats and any boat 24 feet or longer.

Trophies and gift certificates will be presented to the top three boats. The race will start 8:55 a.m., but skippers will meet at 8 a.m. The event is sponsored by Scotiabank and Budget Marine.

For more information, contact the club at **775-6320**.

Basketball clinic

ST. CROIX — The USVI Department of Sports, Parks and Recreation, the Department of Tourism and the Paradise Jam Organization will host a basketball clinic from 9:30 a.m. to 12:30 p.m. on Monday at Central High School's Ronald Charles Gymnasium.

The clinic will be conducted by Nels Hawkinson, the president and executive director of Basketball Travelers Inc., and is for boys and girls between the ages of 8 and 18. BTI organizes the Paradise Jam and other college and high school tournaments around the world. Hawkinson will be joined by colleague Craig Jonas.

Participants will receive Paradise Jam posters and T-shirts and have a chance to win complimentary tickets to the tournament, which begins Nov. 16.

Rugby practice

ST. THOMAS — The USVI Rugby Football Union practices on Tuesdays and Thursdays every week from 6-8 p.m. at Charlotte Amalie High School. Veterans, novices and first-time players are all welcome to participate.

The group is training for upcoming scrimmages with the BVI and other down-island teams. For details, email Dan Perez at usvirugby@gmail.com, visit their web site at www.usvirugby.org or call **941-565-0031**.

After-school junior tennis program

ST. CROIX — Tennis pros Don de Wilde and Kristopher Elien is running an after-school junior tennis program through Christmas at the Buccaneer Hotel for players between the ages of 5 to 18. For more information, or to ask about times, costs or registration, call **718-3036**.

Boat captain arrested in 2011 death of parasailor

By LOU MATTEI
Daily News Staff

ST. THOMAS — Boat captain Kyle Coleman was arrested Wednesday on a charge that he caused the 2011 death of a parasailor through misconduct, negligence and inattention to his duties, the U.S. Attorney's Office announced Thursday.

Coleman, the captain of the motor boat Turtle, was conducting parasailing excursions just south of Water Island on Nov. 15, 2011, according to a press release from the U.S. Attorney's Office.

Bernice Kraftcheck and her daughter, Danielle Haese, were hoisted into the air for the parasail ride as wind conditions were deteriorating.

"The strong winds and a weak tow-line caused the tow-line to break, resulting in the parasail separating from the vessel and the two women falling into the water," the statement reads. "The wind then propelled the parasail, with the women still attached, at a very high rate of speed causing the death of Kraftcheck and serious injuries to Haese."

The U.S. Coast Guard "aggressively investigated" the accident, which led to Coleman's arrest and the surrender of his merchant mariner's license in June, according to a prepared statement by Capt. Drew Pearson, the Coast Guard's San Juan commander.

"The Coast Guard takes safety at sea very seriously, and will ensure that any mariner who causes another's death through misconduct, negligence, and inattention to his duties is held accountable in a court of law," Pearson said in the release.

A medical examiner pronounced Kraftcheck, 60, of Round Lake, Ill., dead at the West Indian Co. dock the afternoon of the accident. Haese, 34 at the time, of Plymouth Meeting, Pa., was hospitalized overnight at Schneider Hospital.

The women were passengers aboard the Celebrity Eclipse and bought a parasailing shore-excursion operated by Caribbean Watersports and Tours.

The one-count grand jury indictment charging Coleman was not available on the District Court's online court records database as of Thursday night.

Coleman, 32, made his first appearance before U.S. Magistrate Judge Ruth Miller and was released on a $10,000 unsecured bond, according to the release. He is scheduled to be arraigned in District Court on Nov. 14, one day shy of the one-year anniversary of Kraftcheck's death.

If convicted, Coleman could face up to 10 years in prison and a $250,000 fine.

— Contact reporter Lou Mattei at 714-9124 or email lm

Nelson tells Luis board that hospital is still falling short of standards

By JOY BLACKBURN
Daily News Staff

ST. CROIX — Luis Hospital Chief Executive Jeff Nelson updated board members about the hospital's status with federal regulators during a meeting Thursday night.

Luis remains under the regulatory microscope with the federal Centers for Medicare and Medicaid Services — and the hospital's certification from the federal agency is potentially at stake.

CMS certification indicates a hospital meets certain standards, and if a hospital is decertified, it is no longer eligible to receive payments from the federal agency for services the hospital provides to Medicare and Medicaid patients.

Revenues from CMS patients represent about 60 percent of the hospital's income, Nelson said Thursday.

The hospital currently is operating under two settlement agreements with CMS, aimed at fixing problems found by inspectors from the federal agency during inspections in recent years.

One of the agreements involves the entire hospital.

Nelson on Thursday said that the hospital recently had received a statement of deficiencies from CMS after inspectors conducted a follow-up, focused survey in September as part of the monitoring on that agreement.

Inspectors had found some improvements, "but not enough," Nelson said Thursday.

The hospital has submitted a plan of correction for the deficiencies, but the federal agency said that the plan was not creative or detailed enough, Nelson told the board.

Hospital officials will work on the plan of correction, and once CMS approves it, the elements of the plan will be part of the overall settlement agreement, Nelson said after the meeting.

Luis has until Feb. 13 to meet the federal agency's mandates for improvement or it potentially will lose CMS certification — although Nelson said the surveys could come sooner.

"We may see CMS here as early as mid-December," Nelson said.

The hospital also is in the process of temporarily shutting down its psychiatric unit for 90 days in an effort to make improvements in that unit, officials said. Luis is working with a hospital in the United States to come to an agreement to temporarily transfer its patients there, officials said.

The plan to temporarily close the unit prompted considerable discussion at the meeting. Some advocates for the mentally ill, as well as some physicians, raised questions about the wisdom of the move.

Board members said it was necessary to make improvements to the unit so that the hospital can keep the unit open in the long-term.

The other settlement agreement Luis Hospital has with CMS is for the dialysis unit.

The hospital has met the federal standards for that unit, but the settlement agreement remains in place because CMS wanted to ensure that the positive changes were sustained, Nelson said.

That settlement agreement has been extended once, and Nelson told board members Thursday that he anticipates it will be extended again for further monitoring, although he did not know for how long.

In other action, the board discussed and approved reports and a variety of recommendations from its Finance Committee. It also approved a policy related to public access to board meeting minutes. Board chairwoman Kye Walker said the document puts the board's current practices into a policy.

— Contact Joy Blackburn at 714-9145 or email jblackburn@dailynews.vi.

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V.I. National Park to offer free admission to Trunk Bay

Daily News Staff

In recognition of Veterans Day, the National Park Service has designated Saturday, Sunday and Monday as a "fee-free weekend."

All visitors to National Park sites in the territory, including Trunk Bay on St. John, will be admitted free.

Trunk Bay Beach is one the most-visited beaches on St. John, and is home to an underwater trail, where swimmers are able to snorkel over a reef and read plaques identifying coral and fish below.

To avoid over-crowding of the Trunk Bay parking lot, National Park personnel are encouraging visitors to carpool or take a safari taxi.

For more information, call Andrea Joseph at **776-6201** ext. **249**.

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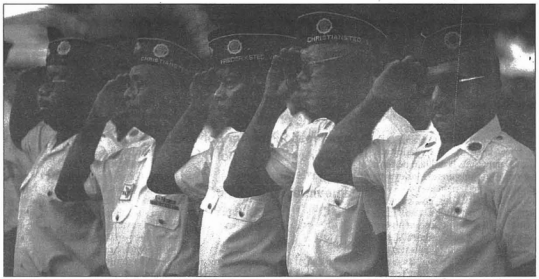


Daily News File Photo

Amrican Legion members salute as the national anthem is played at a Veterans Day program in Frederiksted.

Events honor servicemen and veterans

By ALDETH LEWIN
Daily News Staff

Monday is Veterans Day, but the whole month of November is Military Appreciation Month, and a series of activities are planned to honor and pay tribute to those who fought for our country.

Today, veterans will visit two St. Croix schools to give presentations to students.

Members of American Legion Post 102 will be "teachers for a day" at Ricardo Richards Elementary School. They also will present gifts to the school and administer an essay contest for students.

American Legion Post 133 will be at Arthur Richards Jr. High School talking to students about veterans issues.

"These are things they're doing through the week to celebrate Veterans Day and National Education Week," American Legion District Commander Charles David said.

Parades and programs honoring the territory's veterans will take place Sunday and Monday.

Sunday, St. Thomas will host a Veterans Day Parade and ceremony. The parade starts at 3 p.m. at Addelita Cancryn Junior High School and travels to Franklin Delano Roosevelt Veterans Memorial Park.

Retired Army Sgt. 1st Class Patrick Farrell will be the parade marshal, and the ceremony will feature retired Lt. Col. Marilyn Georges of the U.S. Marine Corps as the guest speaker.

On Monday, St. Croix and St. Johm will host Veterans Day parades and programs.

On St. Croix, the parade starts at 9:30 a.m. sharp at Bassin Triangle and ends at the Christiansted grandstand.

"This year we have as our parade marshal retired Sgt. Major. Monroe F. Clendenden Jr.," David said.

At the bandstand, the guest speaker will be Virdin C. Brown, the civilian aide to the secretary of the Army for the Virgin Islands.

David said many youths will be participating in the parade including the marching bands from Central High School and St. Croix Educational Complex, the Boy Scouts, and the Girl Scouts.

The American Legion will also have a large contingent marching in the parade, he said.

"It should be a good parade, just remembering and thanking the veterans for their service and all they've done helping to keep us free," David said.

On St. John, the parade will start at 3 p.m. in Cruz Bay, followed by a program in Franklin Powell Park.

David said the parade marshal will be Elmo Rabsett Sr., and Georges also will be the guest speaker on St. John.

"We're expecting the governor to make presentations at all of these events," David said.

On Thursday, a tree planting ceremony will take place 5:30 p.m. in Frederiksted at Verne Richards Veterans Park.

"That will more or less close out the week for Veterans," David said.

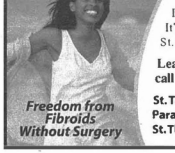
Gov. John deJongh Jr. granted all government workers administrative leave Monday to participate in the festivities honoring the territory's veterans.

"I urge all residents of the territory to remember the sacrifices and contributions of all those who, when called upon to do so, served this territory and this nation honorably in time of war and peace to preserve our heritage of freedom," deJongh stated in his Veterans Day proclamation.

"We must rededicate ourselves to the task of promoting world peace as the most profound reward which we might bestow upon our veterans."

For more information about Veterans Day activities call David at **712-7766** or the St. Thomas-St. John District Office of Veterans Affairs at **774-6100**. •

– Contact reporter Aldeth Lewin at 714-9111 or email alewin@dailynews.vi.



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Police Reports

The police blotter is the V.I. Territorial Emergency Management Agency's list of incidents and the time they were reported to the police.

St. Croix

Charged: Possession of stolen property

Vaskin Jacobs, 23, of Estate Grove Place was arrested 2:53 p.m. Wednesday and charged with possession of stolen property. Police said he was found with parts on his vehicle that had been reported stolen. He was released on $10,000 bail.

• • •

Incidents recorded in the police blotter Thursday included:

Assault — 5:21 p.m. Thursday, La Reine; 6:57 pm. Thursday, Peter's Rest.

Burglary — 6:48 p.m. Wednesday, Mount Pleasant; 10:20 p.m. Wednesday, Estate Profit; 8:50 a.m. Thursday, Mount Pleasant; 9:36 a.m. Thursday, Work and Rest; 3:14 p.m. Thursday, La Grande Princesse.

Destruction of property — 8:06 a.m. Thursday, Sprat Hall.

Larceny — 10:46 a.m. Thursday, Sunny Isles; 2:04 p.m. Thursday, Castle Coakley.

Outside fire — 9:06 p.m. Wednesday, St. George's; 3:01 p.m. Thursday, South Shore Road.

Structure fire — 9:12 a.m. Thursday, Mount Pleasant; 11:01 a.m. Thursday, St. George's.

St. Thomas

Charged: Burglary

Edward Richards, 30, of St. John, was arrested at 6 p.m. Tuesday and charged with third-degree burglary on Kronprindsens Gade. Bond was set at $55,000.

Charged: Driving under the influence

Lisa Babcock, 39, of Estate Hope, was arrested at 10:15 pm. Wednesday and charged with driving under the influence and negligent driving. Bond was set at $500.

• • •

Incidents recorded in the police blotter Wednesday and Thursday included:

Assault — 9:53 a.m. Thursday, Contant; 3:16 p.m. Thursday, Bovoni; 3:46 p.m. Thursday, Tutu Hi-Rise.

Burglary — 7:33 p.m. Wednesday, Hull Bay; 8:05 a.m. Thursday, Hull Bay.

Larceny — 8:53 a.m. Thursday, Marina Market; 12:59 p.m. Thursday, Al Cohen Mall.

Structure fire — 2:05 p.m. Thursday, Polyberg Hill.

Vehicle damage — 10:58 a.m. Thursday, Garden Street.

St. John

Incidents recorded in the police blotter Thursday included:

Assault — 1:16 p.m. Thursday, Cruz Bay.

Deaths

John B. Weekes Sr.

On Nov. 1, 2012, John B. Weekes Sr., owner of Weekes & Weekes Bakery, quietly slipped away into the arms of his Lord and Savior at home with close family and friends by his side.

John B. Weekes Sr.

He has left behind a very large family, oceans of friends and the community he loved and gave so generously to. He was best known for his world famous hot and tasty butter bread.

The first viewing will be held Nov. 16, 2012, at Davis Funeral Home Chapel from 4:30 to 6:30 p.m., followed by a celebration of his life at Paltns Court Harborview at 7 p.m. The second viewing will be held Nov. 17, 2012, at V.I. Christian Ministries in Bolongo Bay at 8 a.m., followed by the service at 10 a.m.

The burial will be private.

He was preceded in death by his children, Arthur "Kiyama" Lewis and Jacqueline Weekes Ivory.

He is survived by his wife, Audrey M. Weekes; children, Elmon Weekes, Paulette Weekes Trocard, Debra Weekes Allen, Charmine Weekes, Jacinth Weekes Gray, Eloise Weekes Lewis, Bernice Weekes Anthony, Felix Weekes, Andy Weekes, Wendy Weekes Carbon, Deter Weekes, Cindy Weekes Kydd, Marsha Weekes Williams, Eustace Weekes, John Weekes Jr., Shenelle Weekes, Chantel Weekes, Tanya Weekes, Actavia Weekes, Johanna Weekes; grandchildren, Aswad Weekes, Zowadie Weekes, Nayaka Weekes, Ricardo Allen, Renaldo Allen, Renee Allen, Marcia Weekes Garcia, Noel Gray Jr., Natalie Gray, Orencia Herbert, Ethelyn Newton, Dawn Charlemagne, Ezekiel Wattley, Rochelle Mack, Akiel Mack, Toushika Anthony, Chefton Newton, Sharima Newton, Marissa Newton, D'andre Weekes, Brianna Kydd, Brinya Kydd, Zion Weekes, Britney Weekes, Shekinah Weekes, Hezekiah Weekes, Kymoi Weekes, Jude Weekes, D'mari Weekes Hunte, Karisma Weekes, Noris Wilkins, Terrance Leonard, Samarie George; brothers, Everton Meade, Aldrick Meade, George Meade, Julian Meade, Arthur Meade, the Edward Jackson Meade family out of English Habour, Antigua; sons-in-law, Andrew Williams, Eustace Trocard, Brian Kydd, James Carbon, Omir Lewis; special friend, Marcola Carlo; and caretakers, Mary Carpio and Nelia Mesca.

Arrangements are by Davis Funeral Home.

— Obituary written by the family.

Paula Gonzalez Martinez

Paula Gonzalez Martinez, 87, formerly of St. Thomas, died in Loganville, Ga., on Oct. 28, 2012.

Services will be held at 11 a.m. Saturday at Nuestra Senora del Carmen Catholic Church in Culebra, Puerto Rico. The family will receive friends and relatives at the church at 10:30 a.m. Services will be held later, and burial will follow at Culebra Municipal Cemetery. A memorial service will be held on St. Thomas at a later date.

Paula Gonzalez Martinez

She was preceded in death by her husband of 58 years, Hermenegildo "Gildo" Martinez. In 1944, they opened their first grocery store on Kronprindsens Gade, St. Thomas, where they served the people of the area for 12 years.

In 1956, they moved to Contant 7B-15 where they operated Martinez Self-Service until 1980 when they retired and moved to their birthplace of Culebra, where they lived until Gildo passed away in 2005. Paula relocated to Atlanta, Ga., where she lived with her daughter Sonia M. Greaux and son-in-law, Roland H. Greaux, until her passing.

She is survived by her sister, Virginia Gonzalez; children, Sonia M. Greaux, Luz A. Moron, Paula M. Buice and Gildo A. Martinez; sons-in law, Roland H. Greaux, Robert G. Moron and David C. Buice; daughter-in-law, Constance D. Martinez; grandchildren, Ashlee Martinez, Roland H. Greaux II and his wife, Amber Greaux, Melissa Greaux White, Robert G. Moron II and wife, Noelle Moron, Christopher G. Moron, Andrea Buice Crockett and husband, John H. Crockett; great-grandchildren, Dylan H. White, Brayden H. White and Devon J. Moron; special sisters-in- law, Amelia Barbosa and Ramonita Romero-Gonzalez; special nieces, Noemi Gonzalez, Myrta G. Benet and Diana Gonzalez; nephew, Beno Gonzalez.

She is also survived by the Barbosa, Gonzalez and Carrillo families of St. Thomas, the Gonzalez family of Culebra, and many other relatives and friends.

In lieu of flowers, and in her memory, donations can be made to Clear Blue Sky, Inc., P.O. Box 778, St. Thomas, V.I. 00804, phone 340-774-9688. Clear Blue Sky, Inc. is a 501(c)(3) nonprofit organization that helps people with mental illness reach their full potential.

Arrangements are by the Tim Stewart Funeral Home in Loganville, Ga., and Carrasco Funeral Home in Fajardo, Puerto Rico.

— Obituary written by the family.

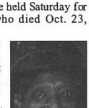
♦ Funeral Schedule ♦

Name	Date of death	Service	Arrangements
St. Thomas			
Jennie V. Douglas	Oct. 28, 2012	Pending	Turnbull's
Egbert Evanson	Oct. 29, 2012	Wednesday	Turnbull's
Siyvia Agatha Hyacinth	Oct. 29, 2012	Today	John Thomas
Neville Lee	Oct. 30, 2012	Pending	Turnbull's
Louis V. Murray	Sept. 27, 2012	Pending	John Thomas
Liston L. Powell Jr.	Oct. 22, 2012	Saturday	Turnbull's
Freddy N. Sanchez	Sept. 7, 2012	Pending	John Thomas
Andre Tanise	Sept. 7, 2012	Pending	John Thomas
Charles Smith	Oct. 27, 2012	Pending	Davis
Jemilia Vergara	Oct. 23, 2012	Pending	Turnbull's
Josephine Espirit-Webster	Oct. 29, 2012	Pending	Turnbull's
John Weeks Sr.	Nov. 1, 2012	Nov. 17	Davis
Iva Williams	Oct. 23, 2012	Saturday	Turnbull's
Karimah Williams	Oct. 28, 2012	Today	Davis

Iva Williams

Services will be held Saturday for Iva Williams, who died Oct. 23, 2012.

The viewing is from 5 to 7 p.m. today at Turnbull's Funeral Home, with the service at 10 a.m. Saturday at All Saints Church.


Iva Williams

The burial will be at Western Cemetery No. 1.

She is survived by a daughter, Merle Hodge-Caines; sisters, Iris Larcheveaux Adams, Beulah Larcheveau Wilson, Eldra Larcheveaux, Eleanor Larcheveaux Tyson; brothers, Luther Davis, Lionel Larcheveaux; sister-in-law, Mary Malone; brother-in-law, Romeo Malone; grandsons, Raymond (Malo) George, Reynaldo (Yambo) St. George, Ivan Smith, Douglas (Dougie) Smith, Mark D. Hodge, Matthew D. Hodge; granddaughters, Marilyn (Bambi) George, Joanne Smith, Charmaine Caines, Pamela Browne-Hodge, Cheryl Dawson-Robles, Nynier Hodge-Johnson, Amy Hodge; great-grandchildren, Ymassie George, Kambo George, Yambo George, Cheneva George, Travis George, Promise George, Pain George, Zia George, Joy George, Raheem George, Kareem George, ShinaeMica George, Takea George, K'Shambo George, Rambo George, Tikisha George, Kwanza George, Kimisa George, Andre George, Angela St. George, Rama St. George, Kaloma Smith, Tau Smith, Tacuma Smith, Machida Smith, Zachea Smith, Shantel Smith, Marianne Smith, Kera Smith, Patrick Daniel, Damal Smith, K'Shawn Robles, Chequida Robles, Chereda Robles, Pamesha Perez, Richard (Rakeel) Hodge, Rakiesha Hodge; great-great-granddchildren, Ymassie George Jr., Kmam George, Torriar George, Travis George Jr., Allyanna George, Amir George, Knica George, Seshaun George, Jodiya Williams, Ashae Williams, Jeremy Williams, Millian Brown, Derrick Banks Jr. David Lugar Jr, Davion Dorsett; nieces, Lera Richards, Lela Holder, Lita Adams, Lois, Cheryl Duran, Andrea Duran, Marisa Duran, Parrish Warren, Kamona Warren-Cham, Rita Robles, Andrea Larcheveaux, Amelia Larcheveaux, Tesha Larcheveaux, Deborah Larcheveaux, Sheryl Larcheveaux, Emily Larcheveaux, Christie Larcheveaux; nephews, Leroy Adams, Allen Estiridge, Alva Estridge, Vern Parson, Christopher Davis, Michael Davis, Bruce Duran, Michael Duran, Kevin Duran, Bryan Duran; close cousins, Gloria Lenard and Janet; caretaker, Felicia A. Brownlow; and goddaughter, Yveonne Warker.

She was preceded in death by a son, Conrad Lorenzo Hodge; sisters, Rita Larcheveaux Santos, Louise Larcheveaux Ali; brother, Archibald Larcheveaux; nieces, Rosalind Tarver, Michelle Duran; and nephew, Keith Duran.

Arrangements are by Turnbull's Funeral Home.

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–EDITORIAL OBSERVER–

An invigorated second term

From The New York Times:

Early Wednesday morning, as sleep-deprived supporters rallied for a final cheer, President Barack Obama concluded his re-election campaign with a promising glimpse at what the fight was all about: a second-term agenda that can make real progress on issues neglected in the first.

Without question, the president intends to build on and improve the significant accomplishments of the last four years, particularly the full implementation of health care reform and the use of government policy to keep the economy growing. But the president went beyond that in his victory speech and added some less familiar words to his policy vocabulary.

Children should live in a world that is not burdened by debt or weakened by inequality, he said, but also one "that isn't threatened by the destructive power of a warming planet." That suggests he knows he has an opportunity to address climate change with more vigor, going beyond auto-mileage standards and renewable-energy jobs to possibly advocating tougher carbon emissions standards.

The president also said he was looking forward to working with Republicans to fix the immigration system, giving him a chance to do more than promote the DREAM Act for young immigrants. He could lead the way to comprehensive reform that combines strong enforcement with a path to citizenship for immigrants already here. He also hinted that combating poverty might move higher on his priority list.

And he spoke of tax reform, an issue that will immediately begin to grow louder with the expiration of the Bush-era tax cuts at year's end. Obama won re-election on an unambiguous promise not to renew those cuts for incomes of $250,000 or more, and his supporters expect him to stick to that vow. In coming months, after he persuades Congress to keep taxes from rising on the middle class, he should push to restore a fair estate tax and raise the low capital gains rate to the level of ordinary income.

He even mentioned the need to fix a balloting system that left thousands of people standing in long lines to vote this week, a tantalizing hint that electoral reform might become a priority.

All these agenda items require the same ingredient: ending his standoffish attitude toward Congress and working closely with any leader or lawmaker willing to make real progress. That may be easier now that Senate Democrats (and their independent allies) have expanded their majority by two seats to 55, many of them filled with newcomers more liberal and feisty than their predecessors, most notably Elizabeth Warren of Massachusetts.

The new Democratic caucus' first order of business should be a reform of the filibuster that prevents its routine abuse by Republicans, and the majority leader, Harry Reid, suggested Wednesday that he supported some modest changes. The newcomers, along with the White House, should forcefully advocate that he go as far as possible.

A newly energized Obama administration and Senate could have the effect of isolating the supply-side dead-enders in the House. John Boehner, the House speaker, announced Wednesday that nothing had changed; he and his caucus still oppose higher tax rates for the rich and still want to pursue Romney's defeated goal of raising revenue by lowering rates and cutting unspecified loopholes. Standing up to Republican recalcitrance on this and many other issues will require bringing to bear political pressure from the coalition that gave Obama a commanding victory in the Electoral College on Tuesday.

The president's victory was decisive, and many who didn't support him nonetheless told pollsters that they agreed with his positions on taxes, health care and immigration. He now needs to use the power that voters have given to him to enhance and broaden his agenda.

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U.S. politics changes for the better

Mariel Blake

America has changed.

There are periods when we grow as a society in degrees. Then there are times when we take great leaps forward. If you examine the history of our country back to the days of the first Spanish, English and French immigrants, you will see certain moments when our national dynamic shifted.

This week, we saw a moment when the America that has been growing and changing by degrees met with a moment when America made a hard turn on its path.

For years we have seen the browning of America. For years we have seen the tolerance and acceptance level of different religions, economic conditions, sexual orientations, political beliefs and ancestries grow in measured steps through the increase in one-on-one interactions and social media.

For years we have seen the steady progress of women, and felt a subtle shift in the rhythm of America.

This week, we saw several of these trends converge in a moment when it became evident that once again, America has changed.

The demographics of the exit polls tell an interesting story. President Obama's support came overwhelmingly from groups of people who are often described as disenfranchised:

- Those who make less than $50,000 per year;
- Those with some or no college education;
- Women;
- Young people;
- People of color.

These groups, who in the past have felt like their votes were taken for granted, for the first time in a long time, saw their votes carry weight that makes them get noticed.

People more "wonky" than me will be going over these numbers for months to come. These numbers tell me, though, that the reason why so many people were surprised about the outcome in this race ignored the numbers that had nothing to do with polls.

They want to say that it is because these communities were voting to keep their entitlements and "handouts," but that is just a denial of the real truth.

What people want is to no longer feel disenfranchised and marginalized.

What people want is for their voices to be included, not shouted down.

Recent data shows that women now outnumber men by a slim margin. More people live in cities. People of color now make up almost a third of the population. The average age is 37. Almost two thirds of us own homes, but there are more of us who have either never been married or are divorced than there are those of us who are married.

The fastest shrinking demographic is white men.

So many of the people who fit the demographics that elected President Obama are those in demographics that are seeing their numbers grow and also are becoming more politically active and savvy. They are truly looking to connect with candidates who have their concerns in mind. These are not one-issue voters.

They care about the economy but they also care about their place in our society. They want their social issues to be a part of the discussion. Our national identity is more about inclusion than assimilation. This is a vast switch from where we have been.

Those of us in groups that have been considered on the fringe or in the minority have found solidarity in our experiences in this country and are increasingly deciding we are no longer satisfied with trying to fit in and would rather have a seat at the table as our unique selves.

Women, the LGBT community and Latinos made great strides with this election. African Americans and young people reminded the political parties of the value of their support.

There is a lot of finger pointing from the Republican talking heads as to why their candidate lost. It seems they are slowly coming to realize it was not only whom they ran as candidates but also where those candidates stood on issues that are important to this growing voting power block.

I was struck by how few people of color were in the crowds for Mitt Romney toward the end of the campaign. It was like they no longer cared about even the illusion of inclusion, and instead decided to bank their future on their main demographic. What their campaign failed to take into consideration is that the issues that matter most to people right now stretch across racial and gender lines.

Those of us usually considered on the fringe are multifaceted and have learned a very powerful lesson after this election. When we band together to get our issues on the agenda, we force the conversation to change.

Hopefully, both parties have learned that you don't have to pander to us, but you do have to listen to us because we are not going away.

America has changed, and if history is any indication that is a very good thing.

Let's just hope we embrace the change in the spirit of cooperation and not segregation.

– Contact Daily News contributing columnist Mariel Blake at marielfblake@gmail.com.

Happy days, even with the cliff

Gail Collins

La Di Dah Di Dah ...

We have been through a lot, people. But now the presidential race is settled. Barack Obama won. People on both sides worked heroically, and, on Tuesday, their candidates behaved well. This should be a happy time.

Oh, my God! There's a fiscal cliff! We're all going to fall over and go bankrupt!

Did you just hear the cheerful rule? The fiscal cliff doesn't happen until the end of the year when the Bush tax cuts expire and monster budget cuts automatically kick in. Now that the election's over, everybody will certainly be ready to move forward and work something out.

Except possibly Gov. Rick Perry, who celebrated the president's re-election by demanding the repeal of Obamacare.

And then there was Donald Trump, who tweeted during the vote count: "Lets fight like hell and stop this great and disgusting injustice! The world is laughing at us."

Actually Trump has no conceivable impact on anything. I just wanted to take this opportunity to reminisce about the time he sent me an irate, handwritten message in which he misspelled the word "too."

But look at Rep. John Boehner. On Wednesday, the House speaker gave a speech in which he vowed to be cooperative.

"Mister President, this is your moment. We're ready to be led," he said.

xcept for a few no-go areas, such as any ta increases on "small business." You may remember from previous crises that the House Republicans oppose raising income ta es on the wealthy because it would impact struggling small businesses such as a hedge find manager with an eight-figure annual income.

Boehner also raised a whole new specter of political peril: "going over part of the fiscal cliff." That sounded less dire, as long as we all stay inside our dangling cars and refrain from making any moves until help arrives.

But, by the end, it sounded as if the only cliff-avoidance Boehner was really interested in was one that raised new revenue through "fewer loopholes, and lower rates for all."

We have already seen that plan. It was proposed by a man who, on Tuesday, lost the state in which he was born, the state in which he was governor and the three states in which he owns houses. Thanks to a blog by Eric Ostermeier in Smart Politics, I am able to point out that the only candidate for president who lost his home state by a larger margin than Mitt Romney was John Fremont in 1856. And Fremont was coming out of a campaign in which the opposition accused him of being a cannibal.

While Boehner was explaining the importance of not going halfway over a cliff, or raising income taxes on the rich he looked somber and somewhat unhappy. This may have been because his Republican colleagues just lost the White House and the Senate. Or perhaps, it was simply because he's an older white guy, and, therefore, part of the biggest loser demographic of the election, the flip-side of the insurgent Latino vote.

On election night, people were talking about the not-young male population as if they were a dwindling tribe of graybeards sitting around a sputtering stove in Oklahoma. Republican strategist John Weaver worried about becoming "a shrinking regional party of middle-aged and older white men." On Fox News, Bill O'Reilly moaned that "the white establishment is now the minority."

O'Reilly, 63, added that the new majority was composed of people who "want stuff." As opposed to older white men, all of whom have signed a pledge never to accept veteran benefits, Social Security or Medicare.

"It's not a traditional America anymore," O'Reilly sadly concluded.

Almost everybody thinks of the world of their youth as the traditional world. In the future, today's teenagers will be looking back and mournfully declaring that traditional America was a place where folks really knew how to Twitter. Still, it's unseemly to identify the true America as the one where your group ran everything.

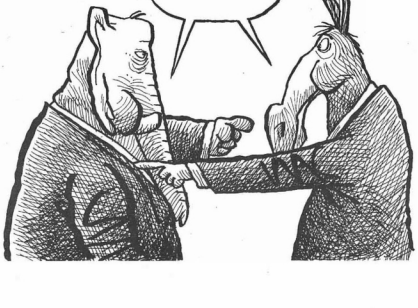
Cheer up, white men! You seem to be doing OK. Next year women will have 20 percent of the seats in the U.S. Senate, and we're celebrating.

And since it looks as if we're not getting any downtime, we'll have to get cracking on this latest congressional crisis. Root for a bipartisan solution that does not involve the White House's being hijacked by a guy who keeps babbling about going halfway over a cliff.

In the past, when these things came up, the president's big failing was his inability to hide his contempt for many of the people who occupy Capitol Hill. Now it's a new day, and he needs to be so perpetually and visibly available that the negotiators beg to be left alone.

If all else fails, strap John Boehner to the roof of a car.

— Gail Collins is a New York Times columnist.



Can Republicans adapt?

Nicholas D. Kristof

This was one that the Republicans really should have won.

Given the weak economy, American voters were open to firing President Barack Obama. In Europe, in similar circumstances, one government after another lost re-election. And, at the beginning of this year, it looked as if the Republicans might win control of the U.S. Senate as well.

Yet it wasn't the Democrats who won so much as the Republicans who lost — at a most basic level, because of demography. A coalition of aging white men is a recipe for failure in a nation that increasingly looks like a rainbow.

Schadenfreude may excuse Democrats' smiles for a few days, but these trends portend a potential disaster not just for the Republican Party but for the health of our political system. America needs a plausible center-right opposition party to hold Obama's feet to the fire, not just a collection of Tea Party cranks.

So liberals as well as conservatives should be rooting for the Republican Party to feel sufficiently shaken that it shifts to the center. One hopeful sign is that political parties usually care more about winning than about purism. Thus the Democratic Party embraced the pragmatic center-left Bill Clinton in 1992 after three consecutive losses in presidential elections.

That was painful for many liberals, who cringed when Clinton interrupted campaigning in the 1992 primary to burnish his law-and-order credentials by overseeing the execution of a mentally impaired murderer. But it was, on balance, less painful than losing again.

You would expect the Republican Party to make a similar lurch to the center. But many Republican leaders still inhabit a bubble. It was stunning how many, from Karl Rove to Newt Gingrich, seemed to expect a Mitt Romney victory. And some of the right-wing postmortems are suggesting that Romney lost because he was too liberal — which constitutes a definition of delusional.

Imagine what would have happened if the Republican nominee had been Gingrich or Rick Santorum. We surely would have seen a Democratic landslide.

On the other hand, if the Republicans had nominated Jon Huntsman Jr., they might have been the ones celebrating right now. But he had no chance in Republican primaries because primary voters are their party's worst enemy.

Part of the problem, I think, is the profusion of right-wing radio and television programs. Democrats complain furiously that Rush Limbaugh, Glenn Beck and Sean Hannity smear the left, but I wonder if the bigger loser isn't the Republican Party itself. Those shows whip up a frenzy in their audience, torpedoing Republican moderates and instilling paranoia on issues like immigration.

All this sound and fury enmeshes the Republican Party in an ideological cocoon and impedes it from reaching out to swing-state centrists, or even understanding them. The vortex spins ever faster and risks becoming an ideological black hole.

In 2002, a book was published called "The Emerging Democratic Majority." It argued that Democrats would gain because of their strength in expanding demographics such as Hispanics, Asian-Americans and working women. It seemed persuasive until Republicans clobbered Democrats in the next couple of elections.

But perhaps that book was ahead of its time. This was the first election in which Hispanic voters made up a double-digit share of the electorate, according to CNN exit polls — 10 percent, doubled from 1996 — and more than 7 out of 10 Hispanic voters supported Obama.

That wasn't inevitable. In 2004, exit polls suggested that President George W. Bush received 44 percent of the Hispanic vote. But Republicans became obstructionist on immigration and then veered into offensive demagogy in opposing the nomination of Sonia Sotomayor to the Supreme Court. The Hispanic vote tumbled by increasing numbers into the Democrats' laps.

Then there are women. The paternalistic comments about rape by a few male Republican candidates resonated so broadly because they reflected the perception of the GOP as a conclave of out-of-touch men. As Rep. Todd Akin of Missouri might put it, when a candidate emerges with offensive views about rape, "the female body has ways to try to shut that whole thing down." Namely, they vote Democratic.

America is changing. After this election, a record 20 senators will be women, almost all of them Democrats. Opposition to same-sex marriage used to be a way for Republicans to trumpet their morality; now it's seen as highlighting their bigotry.

An astonishing 45 percent of Obama voters were members of minority groups, according to The Times' Nate Silver. Many others were women or young people. That's the future of America, and if the Republican Party remains a purist cohort built around grumpy old white men, it is committing suicide. That's bad not just for conservatives but for our entire country.

— Nicholas D. Kristof is a New York Times columnist. Contact him at Facebook.com/Kristof, Twitter.com/NickKristof or by mail at The New York Times, 620 Eighth Ave., New York, NY 10018.

Former local hoops player making it on TV Page 39 College hoops tip off in style tonight Page 41

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Arawaks seek season sweep of Kean tonight

Daily News Photo by TIM CHAPMAN

St. Thomas-St. John Private Schools Arawaks senior Omar Henderson tackles senior teammate Patrick Leonard during Thursday's practice at Antilles School.

By TIM CHAPMAN
Daily News Staff

TACKLE FOOTBALL

ST. THOMAS — Luke Neely might not know where to begin if he were in an opposing coach's position and had to gameplan against his St. Thomas-St. John Private Schools Arawaks. The variety of formations running through his no-huddle offense can be a headache for defenses.

"It's difficult," Neely said. "We're a multi-formation, multi-game offense. We run a power game, a gap scheme to zone scheme. It's a lot to prepare for. Teams could potentially stop us."

Ivanna Eudora Kean High School (1-3) hopes to turn that potential into reality when the two teams meet at 7 tonight in an IAA tackle football game at Lionel Roberts Stadium.

The Arawaks (2-1) crushed the Devil Rays, 44-0, in the season opener, which ended early in the fourth quarter because of the league's mercy rule.

"We hope that the defense, by now, has learned the schemes," Kean High coach Elroy Donovan Jr. said. "It was the first game of the season and we have a lot of young guys."

Donovan is eager to see if his defense learned from the tough lessons handed out by the Arawaks' senior tailback tandem of Chris Cilliers and David McDonald.

Cilliers pounded his way to two rushing touchdowns and a receiving touchdown, and McDonald led the team with 75 rushing yards on seven carries. At 210 pounds, Cilliers can easily shed routine tackles.

"He's a big, strong guy," Donovan said. "Our guys have to realize that you have to adjust for that type of running back. We can't expect to wrap him up high and take him down."

At 170 pounds, McDonald offers a speedy change of pace. But he won't shy away from contact.

"They're tough guys to bring down," Neely said. "They're bruisers and it's gonna take two or three guys to bring them down at any time."

Arawaks dropped a 22-8 game

See FOOTBALL, page 42

Kean High's energy lifts them over Ss. Peter and Paul, 4-1

By TIM CHAPMAN
Daily News Staff

VARSITY VOLLEYBALL

ST. THOMAS — There is no question who the vocal leader is on the Ivanna Eudora Kean High School girls varsity volleyball team. Chantell Grant can be heard loud and clear after nearly every point.

After dropping the first game by 11 points against Ss. Peter and Paul on Thursday at Keap High, Grant and the Lady Rays began communicating. The result was a loose, energetic and more confident team through the next three games as Kean High won the match, 4-1 (14-25, 26-24, 25-16, 25-18).

"I got to cheer them up," Grant said. "That's that motivation. My team's gonna back me up too, you know."

Grant backed up her talk and recorded two consecutive aces in the final game to push the lead to 17-9. She was also involved in a signature point of the match when three Kean High players on three different hits had to lunge and punch at the ball with one hand to keep the volley alive.

The Lady Jaguars were stunned when Kean sophomore Akia Frett finished that point by hitting

See VOLLEYBALL, page 42

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Page 320 ~ b6; b7C;
Page 321 ~ b6; b7C;
Page 323 ~ b6; b7C;
Page 327 ~ b6; b7C;
Page 328 ~ b6; b7C;
Page 331 ~ b6; b7C;
Page 332 ~ b6; b7C;
Page 337 ~ b6; b7C;
Page 338 ~ b6; b7C;
Page 339 ~ b6; b7C;
Page 340 ~ b6; b7C;
Page 353 ~ b6; b7C;
Page 356 ~ b6; b7C;
Page 380 ~ b6; b7C;
Page 388 ~ b6; b7C;
Page 389 ~ b6; b7C;
Page 392 ~ b6; b7C;
Page 394 ~ b6; b7C;
Page 402 ~ b3;
Page 403 ~ b3; b6; b7C;
Page 404 ~ Duplicate - serial 57;
Page 405 ~ Duplicate - serial 57;
Page 406 ~ b3;
Page 407 ~ b3;
Page 408 ~ b3;
Page 409 ~ b3;
Page 411 ~ b3;
Page 412 ~ b3; b6; b7C;
Page 415 ~ b3;
Page 416 ~ b3;
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Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: Source from which Property Acquired:
DET. [redacted]
08/28/2006 345 SOUTH COUNTY ROAD b6
PALM BEACH FL 33480 b7C

Anticipated Disposition: Acquired By: Case Agent:
[redacted]

Description of Property: Date Entered
1B 1

1) ONE PHONE MESSAGE BOOK PBPD05-1024 (1)
2) THREE PHONE MESSAGE BOOKS.....(2)
3) ONE FILE FOLDER WITH TWO FILES.....(3)
4) SHREDDED PAPER.....(4)
5) ONE FILE FOLDER - ORANGE (5)
6) BEIGE MASSAGE TABLE.....(6)
7) BROWN MASSAGE TABLE.....(7)
8) BLACK FRAMED PHOTO OF NUDE GIRL.....(8)
9) NINE PICTURES IN FRAMES (9)
10) EIGHT PHOTOS FROM OFFICE (10)
11) TWO PHOTOS - SITTING ROOM (11)
12) TWO PHOTOS - TABLE.....(12)
13) TWO VHS TAPES - POOL AREA (13)
14) TWO CDS - MARKED "HAPPY BIRTHDAY" (14)
15) THREE FRAMED PHOTOS - CABANA (15)
16) ONE MESSAGE PAD - 1ST FLOOR (16)
17) ONE MESSAGE PAD - DESK (17)
18) THREE CDS - DESK (18)
19) ONE 8MM - DESK (19)
20) UNFRAMED PHOTOS - DESK (20)
21) TWO FRAMED PHOTOS - DESK (21)
22) TWO FRAMED PHOTOS - TABLE (22)
23) THREE SOAPS ON A ROPE (23)
24) TWO VIBRATORS - "TWIN TORPEDO" (24)
25) TWO SOAPS ON A ROPE (25)
26) ONE LARGE FRAMED PICTURE - MASTER BEDROOM (26)
27) ONE HIGH SCHOOL TRANSCRIPT - [redacted] (27)
28) ONE BOTTLE OF JOY JELLY - MASTER BEDROOM (28)
29) THREE VIDEO TAPES - MASTER BEDROOM (29)
30) SIX FRAMED PHOTOS - MASTER BEDROOM, BATHROOM (30)

Barcode: Location: 09/05/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

File Copy

31E-MM-108062-1B1

Chain of Custody FD-192

Case ID . : 31E-MM-108062 1B1 Barcode . :

Accepted By:
Printed Name: [redacted] Signature: [redacted] b6 b7C

Reason:..Collected..... Date/Time: 08/28/2006 11:00 am

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

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Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET. [redacted]
345 SOUTH COUNTY ROAD
PALM BEACH FL 33480

b6
b7C

Anticipated Disposition:

Acquired By: [redacted]

Case Agent:

Description of Property: Date Entered
1B 2

31) ONE GREEN MASSAGE TABLE.....PBPD05-1024 (31)
32) ONE THRIFTY RENTAL AGREEMENT.....(32)
33) NOTE FROM [redacted].....(33)
34) ELEVEN CDS - OFFICE ..... (34)
35) MESSAGE BOOK - GUEST HOUSE.....(49)
(36) ONE MESSAGE BOOK.....(50)
(37) TWO COMPACT FLASH CARDS.....(51)
(38) SIX CDS - GUEST HOUSE.....(52)
(39) POWER CORD TO CPU - GUEST HOUSE.....(54)
(40) CPU - OFFICE.....(55)
41) ONE POWER CORD TO CPU - OFFICE.....(56)
42) THREE CDS - OFFICE.....(57)
43) ONE PEACH MASSAGE TABLE.....(58)
44) ONE GREEN FRAMED PHOTO (59)

Barcode: Location: 09/05/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B2

Chain of Custody FD-192

Case ID . : 31E-MM-108062 1B2 Barcode . :

Accepted By:
Printed Name [redacted] . Signature [redacted] b6 b7C

Reason:..Collected..... Date/Time: 08/28/2006 11:00 am..

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET [redacted]
345 SOUTH COUNTY ROAD
PALM BEACH FL 33480

b6
b7C

Anticipated Disposition:

Acquired By: [redacted]

Case Agent:

Description of Property: Date Entered
1B 3

1) TAPED CONVERSATION	PBPD 05-237	(1)
2) AUDIO TAPE #1	PBPD 05-243	(1)
3) AUDIO TAPE #2		(2)
4) COPY OF TAPE #1		(3)
5) MICRO TAPE	PBPD 05-256	(1)
6) PHOTO LINE-UP	PBPD 05-257	(1)
7) AUDIO TAPE	PBPD 05-294	(1)
8) MICRO TAPE		(2)
9) CD	PBPD 05-295	(2)
10) C-90 CASSETTE	PBPD 05-313	(1)
11) A/X MAIL [redacted]	PBPD 05-378	(1)
12) WHITE PAPER [redacted]		(2)
13) MESSAGE [redacted]		(3)
14) WHITE PAPER [redacted]		(4)
15) MONTGOMERY COUNTY, MD [redacted]		(5)
16) WHITE PAPER [redacted]	PBPD 05-379	(1)
17) WHITE PAPER FLIGHT INFO		(2)
18) THREE WHITE PAPERS PREMIO COMPUTER INC		(3)
19) WHITE PAPER PHONE #	PBPD 05-380	(1)
20) YELLOW RECEIPT 04/04/05		(2)
21) WHITE PAPER [redacted]		(3)
22) WHITE PAPER [redacted]		(4)
23) WHITE PAPER FLIGHT 04/05/05		(5)
24) WHITE PAPER [redacted]		(6)

Barcode:

Location:

09/06/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B3

Chain of Custody FD-192

Case ID . : 31E-MM-108062 1B3 Barcode . :

Accepted By:
Printed Name: [redacted] ... Signature [redacted] b6 b7C

Reason: ..Collected..... Date/Time: 08/28/2006 11:[illegible]

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

b6
b7C

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET. [redacted]
345 SOUTH COUNTY ROAD
PALM BEACH FL 33480

Anticipated Disposition: Acquired By: Case Agent:
[redacted]

Description of Property: Date Entered
1B 4

1) WHITE PAPER [redacted] PBPD 05-381 (1)
2) WHITE PAPER JET BLUE RECEIPT (2)
3) WHITE PAPER [redacted] (3)
4) WHITE PAPER [redacted] (4)
5) MESSAGE [redacted] (5)
6) WHITE PAPER [redacted] (6)
7) WHITE PAPER [redacted] (7)
8) WHITE PAPER [redacted] (8)
9) WHITE PAPER [redacted] (9)
10) WHITE PAPER ST. BARTHS (10)
11) MESSAGE - [redacted] (11)
12) MESSAGE - [redacted] ..... (12)
13) WHITE PAPER - [redacted] (13)
14) MESSAGE [redacted] (14)
15) MESSAGE - [redacted] (15)
16) MESSAGE [redacted] GIRL (16)
17) WHITE PAPER - [redacted] (17)
18) WHITE PAPER # [redacted] (18)
19) WHITE PAPER - [redacted] (19)
20) WHITE PAPER - [redacted] (20)
21) WHITE PAPER (917) (21)
22) WHITE PAPER [redacted] (22)
23) PHONE # PRINT OUT (23)

Barcode: Location: 09/06/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B4

Chain of Custody FD-192

b6
b7C

Case ID . : 31E-MM-108062 1B4 Barcode . :

Accepted By:
Printed Name: [redacted] Signature: [redacted]

Reason:..Collected..... Date/Time:..08/28/2006..11:00am

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET [redacted] b6
345 SOUTH COUNTY ROAD b7C
PALM BEACH FL 33480

Anticipated Disposition: Acquired By: Case Agent:
[redacted]

Description of Property: Date Entered
1B 5

1) FIVE MESSAGE PRINTOUTS PBPD 05-382 (1)
2) WHITE PAPER [redacted] (2)
3) MESSAGE [redacted] (3)
4) MESSAGE (4)
5) MESSAGE (5)
6) MESSAGE (6)
7) MESSAGE (7)
8) CLEAR PLASTIC STICK (8)
9) TWELVE WHITE PAPER - EXPENDITURES PBPD 05-383 (1)
10) WHITE PAPER [redacted] (2)
11) WHITE PAPER (3)
12) WHITE PAPER (4)
13) WHITE PAPER (5)
14) WHITE PAPER (6)
15) WHITE PAPER (7)
16) WHITE PAPER #..... (8)
17) MESSAGE [redacted] PBPD 05-384 (1)
18) WHITE PAPER [redacted] (2)
19) WHITE PAPER (3)
20) WHITE PAPER (4)
21) MESSAGE [redacted] (5)
22) MESSAGE # (6)
23) MESSAGE [redacted] (7)
24) WHITE PAPER [redacted] (8)
25) .WHITE PAPER (917) PBPD 05-385 (1)
26) WHITE PAPER [redacted] (2)
27) WHITE PAPER (3)
28) WHITE PAPER (4)
29) WHITE PAPER ..... (5)
30) FOUR WHITE PAPERS (6)

Barcode: Location: 09/06/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B5

Chain of Custody FD-192

Case ID . : 31E-MM-108062 1B5 Barcode . :

Accepted By:
Printed Name: [redacted] Signature [redacted] b6 b7C

Reason:..Collected..... Date/Time: 08/28/2006 11:50 am

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

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Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET [redacted]
345 SOUTH COUNTY ROAD
PALM BEACH FL 33480

b6
b7C

Anticipated Disposition:

Acquired By: [redacted]

Case Agent:

Description of Property: 1B 6

Date Entered

1) MEDICAL SUPPLIES	PBPD 05-386	(1)
2) 727 LETTERHEAD		(2)
3) INVOICE #42700		(3)
4) AMAZON.COM [redacted]		(4)
5) WHITE PAPER [redacted]		(5)
6) MESSAGE FROM [redacted]		(6)
7) MESSAGE FROM [redacted]		(7)
8) WHITE PAPER 2#S		(8)
9) WHITE PAPER (917)		(9)
10) MISC. DOCUMENTS - TRASH PULL	PBPD 05-874	(1)
11) MISC. PAPERWORK - TRASH PULL	PBPD 05-878	(1)
12) TWO MAGAZINES - TRASH PULL	PBPD 05-901	(1)
13) PAPER WITH [redacted] - TRASH PULL	PBPD 05-915	(1)
14) VHS T-160 CASSETTE	PBPD 05-929	(1)
15) SONY MICRO CASSETTE		(2)
16) SONY MICRO CASSETTE		(3)
17) SONY MICRO CASSETTE		(4)
18) SONY MICRO CASSETTE	PBPD 05-937	(1)
19) SONY MICRO CASSETTE		(2)
20) SONY MICRO CASSETTE		(3)
21) SONY MICRO CASSETTE		(4)
22) MISC PAPERWORK - TRASH PULL	PBPD 05-941	(1)
23) SONY MICRO CASSETTE	PBPD 05-942	(1)
24) SONY MICRO CASSETTE		(2)
25) MISC PAPERS - TRASH PULL	PBPD 05-943	(1)
26) CLEAR PIECE OF PLASTIC	PBPD 05-944	(1)
27) MISC PIECES OF PAPER - TRASH PULL		(2)
28) SONY MICRO CASSETTE	PBPD 05-945	(1)
29) SONY MICRO CASSETTE		(2)

Barcode:

Location:

09/06/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B6

Chain of Custody FD-192

b6
b7C

Case ID . : 31E-MM-108062 1B6 Barcode . :

Accepted By:
Printed Name: [redacted] Signature: [redacted]

Reason: Collected Date/Time: 08/28/2006 11:00a

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

Accepted By:
Printed Name: Signature:

Reason: Date/Time:

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name: Signature: Date:

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET [redacted]
345 SOUTH COUNTY ROAD
PALM BEACH FL 33480

b6
b7C

Anticipated Disposition:

Acquired By: [redacted]

Case Agent:

Description of Property: Date Entered

1B 7

1)	SONY MICRO CASSETTE	PBDP 05-972(1)
2)	SONY MICRO CASSETTE	(2)
3)	SONY MICRO CASSETTE	(3)
4)	MISC PAPERWORK - TRASH PULL	PBPD 05-1005(1)
5)	THREE FLOOR PLANS	PBPD 05-1023(1)
6)	DRAWING [redacted]	PBPD 05-1025(1)
7)	MISC PHONE MESSAGES - TRASH PULL	PBPD 05-1027(1)
8)	T-160 VIDEO CASSETTE	PBPD 05-1052(1)
9)	SONY MICRO CASSETTE	(2)
10)	SONY MICRO CASSETTE	PBPD 05-1064(1)
11)	THREE EMAIL FROM DMV/DL	(2)
12)	VHS VIDEO CASSETTE	PBPD 05-1069(1)
13)	VHS VIDEO CASSETTE	(2)
14)	CD	PBPD 05-1079(2)
15)	MINI DV TAPE	PBPD 05-1080(1)
16)	VHS VIDEO TAPE...	(2)
17)	MINI DV TAPE	(3)
18)	SONY MICRO CASSETTE	PBPD 05-1087(1)
19)	SONY MICRO CASSETTE	PBPD 05-1090(1)
20)	SONY MICRO CASSETTE	PBPD 05-1092(1)
21)	PHOTO LINE-UP	(2)
22)	SONY MICRO CASSETTE	PBPD 05-1203(1)

Barcode: Location: 09/06/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B7

Chain of Custody FD-192

Case ID . : 31E-MM-108062 1B7 Barcode . :

Accepted By:
Printed Name: [redacted] ... Signature: [redacted] b6 b7C

Reason:..Collected..... Date/Time: 08/28/2006 11:00am

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

Title and Character of Case:

EPSTEIN, JEFFREY
[redacted]

Date Property Acquired: 08/28/2006

Source from which Property Acquired:
DET [redacted]
345 SOUTH COUNTY ROAD
PALM BEACH FL 33480

b6
b7C

Anticipated Disposition:

Acquired By: [redacted]

Case Agent:

Description of Property: Date Entered

1B 8

1)	VHS TAPE OF SURVEILLANCE	PBPD 05-1205(1)
2)	VHS TAPE OF SURVEILLANCE	(2)
3)	VHS TAPE	(3)
4)	VHS TAPE	(4)
5)	VHS TAPE	(5)
6)	VHS TAPE	(6)
7)	VHS TAPE	(7)
8)	SIXTEEN DVD-R DISCS PBSO	PBPD 05-1219(1)
9)	CINGULAR ENVELOPE WITH SUBPOENA INFO	PBPD 05-1245(1)
10)	CINGULAR WIRELESS CD	(2)
11)	SONY MICRO CASSETTE	PBPD 06-21(1)
12)	GREEN FOLDER [redacted]	PBPD 06-24(1)
13)	SONY MICRO CASSETTE	PBPD 06-39(1)
14)	SONY MICRO CASSETTE	PBPD 06-59(1)
15)	SONY MICRO CASSETTE	PBPD 06-95(1)
16)	T-160 VIDEO CASSETTE	PBPD 06-120(1)
17)	SONY MICRO CASSETTE	PBPD 06-182(1)
18)	SONY MICRO CASSETTE	PBPD 06-348(1)
19)	CD	PBPD 06-397(1)

Barcode: Location: 09/06/2006

Case Number: 31E-MM-108062
Owning Office: MIAMI

31E-MM-108062-1B8

Chain of Custody FD-192

b6
b7C

Case ID . : 31E-MM-108062 1B8 Barcode . :

Accepted By:
Printed Name: [redacted] Signature: [redacted]

Reason:..Collected..... Date/Time:..08/28/2006..11:00am

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

Accepted By:
Printed Name:..... Signature:.....

Reason:..... Date/Time:.....

WEAPONS CHECKED & CLEARED BY FIREARMS INSTRUCTOR

Printed Name:..... Signature:..... Date:.....

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 07/24/2006

To: Miami **Attn:** SSA [redacted]

From: Miami
Squad PB-2, PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM 272-MM-C87675-28003;

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

OPEN (REOPEN)
CLASS 31 ALPHA E
ORIGIN MI DATE 2/24/06

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Synopsis: To request case be opened and assigned. Of A SA [redacted]

Details: From March 2005 through February 2006, the Palm Beach County Police Department conducted an investigation involving the Subjects, Jeffrey Epstein, DOB 01/20/1953, [redacted]
Multiple underage females, who all attend or attended one local area high school, [redacted], were recruited by [redacted] for the purposes of engaging in sexual activity with Jeffery Epstein. The sexual activity between Epstein and the minors occurred at Epstein's residence, 358 El Brillo Way, Palm Beach, Florida. [redacted] received monetary compensation for her recruitment and, in some incidents, her delivery of the underage females. Appointments were arranged for Epstein by [redacted]

Once the underage females arrived at Epstein's residence, [redacted]

Carbon copy 203[redacted]01.EC

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It is requested by SA [redacted] that the above captioned case be opened and assigned.

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HOUSE_OVERSIGHT_018893

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI# FLO 500600

Police Case#: 05-368 (1)

Defendant: Jeffrey Epstein
Race/Sex: White Male
DOB: 01-20-1953
Charges: Unlawful Sexual Activity with a Minor (4) counts
Lewd and Lascivious Molestation

From March 15, 2005, through February 2006, the Palm Beach Police Department conducted a sexual battery investigation involving Jeffrey Epstein, [redacted] and [redacted]. Sworn taped statements were taken from five victims and seventeen witnesses concerning massages and unlawful sexual activity that took place at the residence of Jeffrey Epstein, 358 El Brillo Way, Palm Beach. Several of the victims were recruited by and brought to the residence by [redacted] to perform massages for Epstein, for which [redacted] received monetary compensation. During the visit they would be introduced to [redacted] Epstein's assistant, who in turn would record their telephone numbers and name. The victims would be brought to Epstein's bedroom to provide the massage. Epstein would enter the room and order the victims to remove their clothing to provide the massage. As the victims complied and provided the massages, Epstein would rub his fingers on their vaginas. On occasion, Epstein would introduce a massager/vibrator and rub the victims vaginas as they provided the massage. On three separate occasions, Epstein had intercourse and inserted his penis/fingers in the victims vaginas. At the conclusion of the massages the victims were paid sums of money ranging from $200 - $1,000. The facts, as reported, are as follows:

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On 03/15/2005, A fourteen year old white female, hereinafter referred to as '[redacted]' dob [redacted] and her family reported unlawful sexual activity which occurred at a residence within the Town of Palm Beach. [redacted] reported that a subject known to her as "Jeff" had touched her vaginal area with a vibrator/massager while within his residence. "Jeff" was later identified as Jeffrey Epstein through a photo line up.

During a sworn taped interview, [redacted] stated that [redacted] a cousin of [redacted] boyfriend and classmate at [redacted] worked for a wealthy man and did sexual favors for him. She also admitted that [redacted] had offered her an opportunity to make money. During the beginning of the month of February 2005, [redacted] explained that she was first approached by [redacted] to go with her to Epstein's house. [redacted] stated that [redacted] along with a Hispanic female, later identified at [redacted] pick her up at her father's house on a Sunday. [redacted] was not sure of the exact dates but knew it was a Sunday. [redacted] told her father that they were going shopping but in reality [redacted] drove them to Palm Beach. During the drive a

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State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

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conversation occurred between [redacted] and [redacted] whereas [redacted] reportedly told [redacted] that if Jeff asked her age, she should say she was eighteen. It was later confirmed by the [redacted] father that [redacted] picked his daughter up on February 6, 2005. According to [redacted] father, [redacted] drove a pick up truck. b6 b7C

[redacted] described Epstein's house as a two-story pink house with a Cadillac Escalade parked in the driveway. She recalled that Jeff's house was on a dead end street. Upon arriving at the house [redacted] stated that they walked up a driveway, past what appeared to be a small guard/security room. A male approaching them asking what they wanted. [redacted] stated they were there to see Epstein. The male allowed them to continue walking up to the house [redacted] stated the man told them that Epstein was not there but was expected back. He allowed them to enter the house, via the kitchen. He offered them something to drink while they waited inside. Shortly thereafter, Epstein and his assistant, described as white female with blond hair and later identified as [redacted], entered the kitchen. Epstein introduced himself to [redacted] described Epstein as being approximately forty-five years old, having a long face and bushy eyebrows, with graying hair.

[redacted] and Epstein left the kitchen leaving [redacted] alone in the kitchen. They returned a short time later. They all spoke briefly in the kitchen. [redacted] was instructed to follow [redacted] upstairs. [redacted] recalled walking up a flight of stairs, lined with photographs, to a room that had a massage table in it. Upon entering the room there was a large bathroom to the right and a hot pink and green sofa in the room. There was a door on each side of the sofa. [redacted] recalled there being a mural of a naked woman in the room, as well as several photographs of naked women on a shelf. [redacted] told the victim that Epstein would be up in a second.

Epstein entered the room wearing only a towel and told [redacted] to take off her clothes. [redacted] stated Epstein was stern when he told her to take off her clothes. [redacted] said she did not know what to do as she was the only one there in the room so she took off her shirt leaving her bra on. Epstein had removed his towel and told the [redacted] to take off everything. [redacted] stated Epstein was nude when he took his towel off, placing it on the floor as he laid down on the table. [redacted] stated she then removed her pants leaving her thong panties on. Epstein then instructed her to give him a massage pointing to a specific lotion for her to use. As [redacted] began to give Epstein the massage, he told her to get on his back. [redacted] stated she straddled herself on Epstein's back whereby her exposed buttocks were touching Epstein's bare buttocks. [redacted] said Epstein was specific in his instruction to her on how to massage him, telling her to go clockwise or counter clockwise. Epstein then turned over and instructed [redacted] to massage his chest. [redacted] was now standing on the ground and resumed massaging Epstein's chest area. [redacted] stated Epstein held onto the small of her back as she massaged his chest and shoulder area. Epstein then turned to his side and started to rub his penis in an up and down motion. Epstein then pulled out a purple vibrator and began to

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massage [redacted] vaginal area. [redacted] stated there was no penetration as the vibrator was on top of her underwear. [redacted] recalled Epstein ejaculating because he had to use the towel to wipe himself as he got off the table. Epstein then left the room and [redacted] got dressed. She went back downstairs where she met with [redacted]. [redacted] said she was paid three hundred dollars in cash from Epstein. Before she left, Epstein asked [redacted] to leave her phone number. As [redacted] [redacted] and [redacted] were leaving the house, [redacted] told [redacted] she received two hundred dollars that day for bringing her.

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During the course of the investigation, parental consent was granted for [redacted] to assist with the investigation. At our direction [redacted] conducted controlled taped phone calls to [redacted]'s cellular telephone [redacted]. [redacted] spoke with [redacted] in an attempt to arrange another meeting with Epstein. [redacted] asked [redacted] what did she need to do to make more money. [redacted] stated, "the more you do, the more you get paid." [redacted] had subsequently called back [redacted] and left a voice mail message for her indicating that she had set up an appointment for [redacted] to go to Epstein's house at 11:00 am on April 5, 2005. This message was recorded from [redacted] voice mail.

Based on the above, trash pulls were established at Epstein's residence with Supervisor Tony Higgins of the Sanitation Bureau of the Town of Palm Beach. The trash pull from April 5, 2005 revealed a telephone message for Epstein which stated Haley and [redacted] name at 11:00 am. This was the time frame [redacted] had informed [redacted] to be ready to go work at Epstein's house.

On October 3, 2005, Sgt Frick and I went to [redacted]'s residence and viewed her vehicle parked in the driveway, a red Dodge Neon. Sgt. Frick and I knocked on the door and met with [redacted]. [redacted] was told that we were investigating a claim involving Jeffrey Epstein of El Brillo Way, in Palm Beach. [redacted] was asked if she would accompany us back to the police station for further questioning. She was also told that at the conclusion of the interview she would be returned home. [redacted] voluntarily came with us back to the Palm Beach Police Department.

Upon our arrival at the police station, [redacted] was brought to the interview room in the Detective Bureau where I obtained a taped, sworn statement. I began the interview by asking [redacted] how she became acquainted with Epstein. [redacted] stated that approximately two years ago, just after she turned 17 years of age, she was approached by a friend named [redacted] at the Canopy Beach Resort in Rivera Beach. [redacted] was asked if she wanted to make money. She was told she would have to provide a massage and should make $200.00. [redacted] thought about the offer and agreed to meet with Jeffrey.

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(Unknown last name) and Tony (Unknown last name) picked up and she was taken to Epstein's house. Upon her arrival to the house she was introduced to Epstein in the kitchen of the house. She was also introduced to a white female known to her as . She was led upstairs to the main bedroom known to her as Jeff Epstein's bedroom. arranged the massage table and covered the table with a sheet. She brought out the massage oils and laid them next to the massage bed. , then left the room and informed Jeff would be in, in a minute. Jeff entered the bedroom wearing only a towel. He removed the towel and laid nude on the massage table. He laid on the table onto his stomach and picked a massage oil for to rub on him. During the massage, stated "He tried to touch me and I stopped him." I asked how he tried to touch her. stated that Epstein grabbed her buttocks and she felt uncomfortable. told Epstein, I'll massage you but I don't want to be touched. stated she performed the massage naked. At the conclusion of the massage, Epstein paid $200.

After the massage Epstein stated to that he understood she was not comfortable, but he would pay her if she brought over some girls. He told her the younger the better. stated she once tried to bring a 23 year old female and Epstein stated that the female was too old. stated that in total she only remembers six girls that she brought to see Epstein, each time she was paid $200. stated she had brought the following girls: (a16 year old female) (a 16 year old female) and said that at the time she brought these girls to Epstein's house they were all14 through 16 years of age. I asked which one was the youngest. advised was the youngest as she was fourteen when the massage occurred. stated every girl she brought knew what to expect when they arrived. They were told they would provide a massage, possibly naked, and allow some touching. I asked her if was aware. She stated every girl she brought knew what to expect. She explained she knew that wanted to make money. She approached and explained about going to work for Jeff, agreed and arrangements were made to bring her to Epstein's house on a weekend. stated that she and (Later identified as picked up at her house. stated that at that time she was driving a red pickup truck. They traveled to Epstein's house and entered through the kitchen door. They met with the house chef and Epstein's assistant . was introduced to Epstein while they were in the kitchen area. led upstairs and Epstein went upstairs. When the massage was over returned to the kitchen area. stated she was paid $200.00 for bringing to Epstein's house. stated told her she was paid $300.00 for the massage.

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stated that was the last person she brought to Epstein's house. She had changed her cellular number to avoid being contacted by . She continued stating that she had no direct contact with Epstein

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when he was going to travel to Palm Beach. [redacted] said when Epstein announces to his assistant, [redacted] that he is traveling to Palm Beach, [redacted] would then contact [redacted] to arrange girls to "work" for Epstein. [redacted] stated that once her parents discovered that she was visiting Epstein, they disapproved of the encounters with him and she stopped. [redacted] further stated that [redacted] still tries to call [redacted]'s house and leaves messages.

Sgt Frick entered the room and explained to [redacted] that based on her own statements, she had implicated herself by bringing underage girls to Epstein's house. [redacted] provided cellular telephone numbers for the girls she had mentioned previously. Additionally, she also provided possible addresses and areas in which they lived.

As [redacted] was being taken home in the vehicle, a tape recorder was placed within the vehicle to record any conversations within the vehicle. During the drive back to her home, [redacted] made the comment " I'm like a Heidi Fleiss." (Hollywood Madam who sent girls to clients for sexual favors in California). [redacted] was dropped off at her house without incident.

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On October 3, 2005, Sgt Frick and I went to speak with [redacted] a sixteen year-old female who was brought to Epstein's residence by [redacted]. We met with [redacted] mother at their front door. We explained the ongoing investigation and asked to speak with [redacted] as we had information that she had "worked" for Jeff. Mrs [redacted] introduced us to her husband and allowed us entry into the home. We sat in the dining room and met with [redacted] Date of Birth [redacted] As she was under the age of eighteen, Mrs [redacted] was advised we would be speaking with her. She expressed if her daughter had information, she wanted to assist. We interviewed [redacted] who denied having any inappropriate encounters with Jeff (Epstein). She stated she had gone to Jeff's house with [redacted] approximately eight months ago and sat in the kitchen with the house chef, but nothing happened. As the parents were present during the interview, we felt that [redacted] was withholding information from us. She made several comments as to putting the entire incident behind her. I left my telephone number and advised should she wish to speak with me again to telephone me. Sgt Frick and I thanked Mrs. [redacted] for her time and left the area. She stated she would ask [redacted] again after we left as to what happened at Epstein's house. I informed her that [redacted] had my telephone number and hopefully she would call.

On October 4, 2005, Det Dawson and I drove to the [redacted] home and met with [redacted] and [redacted], dob [redacted]. During a sworn taped statement, [redacted] stated approximately a year ago when she was seventeen years old, she was taken to a house by [redacted] [redacted] stated she knows [redacted] because they both attend [redacted] She was told she could make money working

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for Jeff. She was told she would have to provide a massage to Jeff. [redacted] stated upon her arrival to the house she was brought to the kitchen area by [redacted]. They met with the house chef who was already in the kitchen area. [redacted] stated [redacted] would wait for her in the kitchen. [redacted] was introduced to [redacted], Jeff's assistant, who brought her upstairs to the master bedroom. [redacted] prepared the room and massage table for a massage. Epstein entered the room wearing only a towel and she provided a massage. [redacted] stated she kept her clothes on during the massage. She advised sometime during the massage, Epstein grabbed her buttocks and pulled her close to him. [redacted] said she was uncomfortable by the incident involving Jeff. At the conclusion of the massage, she was paid $200.00 for the massage. I asked [redacted] if she has any formal training in massages to which she replied no. I asked her if [redacted] received any monies for taking her to perform the massage. [redacted] stated [redacted] had received money for taking her there but was unsure in the amount. [redacted] stated she returned to Epstein's house on another occasion with [redacted] and another girl [redacted] stated she waited in the kitchen with [redacted], while [redacted] was taken upstairs by [redacted]. [redacted] stated she only did the massage once as she was uncomfortable with the whole experience.

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At the conclusion of the interview, the tape was stopped. I was informed that [redacted] had attempted to reach [redacted] via cell phone. A voice mail message on October 4, 2005 at 10:59 am, revealed a female voice who identified herself as [redacted] who requested [redacted] to call her back reference the police questioning. [redacted] provided the incoming telephone number as [redacted] stated she inadvertently told [redacted] about the police investigation because [redacted] had called her to tell her about how she just received a rental car from Jeff Epstein. [redacted] had called her to tell her that she was given a rental car, a 2005 Silver Nissan Sentra, to utilize to visit family and visit Epstein. [redacted] asked her what was going on at the house that the police would be asking questions. [redacted] stated [redacted] then called Jeff and [redacted] and asked what was going on reference the ongoing police investigation. According to [redacted] [redacted] has since then been trying to contact her to ask about the police questions. I instructed [redacted] not to contact [redacted] and do not provide any more information to [redacted] as she would notify Jeff Epstein and [redacted] what was transpiring.

On October4, 2005, I made telephone contact with [redacted] who had left several messages for me to contact her. During the message, she advised she was not completely truthful when we met in person but would like to speak with me to advise what had happened. She further advised she did not want to speak of this incident in front of her mother. At approximately 3:48 pm I made telephone contact with [redacted] During a taped recorded statement [redacted] stated the following: approximately a year ago, when she was sixteen years of age, [redacted] took her to Epstein's house twice. She knows [redacted] because they both attend [redacted] The first time she went, [redacted] drove to the house. They entered through the kitchen area where she was

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introduced to [redacted] and Epstein. She was taken upstairs to a bedroom by [redacted] who set the room up with a massage bed and brought out the oils to use. Epstein then entered the room wearing a towel. He laid on the table and picked out a lotion for [redacted] to rub on him. At one point during the massage he tried to remove her shirt, at which point she became very upset and discontinued the massage. Both [redacted] and Epstein had a verbal disagreement, at which time she left without being paid. She got with [redacted] who was sitting in the kitchen and told her "let's go." [redacted] advised she received no money for that day. [redacted] also said that [redacted] had told her if she was uncomfortable with what was going on, to let him know and he'll stop. She knew that the more you do the more you get paid. [redacted] advised that several weeks later she agreed to be taken a second time by [redacted]. Once they arrived at the residence, [redacted] sat in the kitchen and [redacted] took her upstairs to the master bedroom again. [redacted] set the room up with a massage bed and brought out the oils to use. Epstein then entered the room wearing a towel. He laid on the table and picked out a lotion for [redacted] to rub on him. At one point during the massage he tried to touch her buttocks. As [redacted] was wearing tight jeans and had a tight belt on Epstein was unable to touch her buttocks. Epstein then rolled onto his back during the massage and then attempted to touch her breasts [redacted] then became upset again and told Epstein she didn't want to be touched. [redacted] discontinued the massage and was paid $200.00. [redacted] then went downstairs where [redacted] was waiting for her. She told [redacted] she wanted to leave. [redacted] said she never returned to the house. [redacted] stated she is aware that her friend, [redacted] was also at the house and had a problem with Epstein.

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I later researched [redacted] dob [redacted], and met with her at her residence. During a sworn taped statement, [redacted] stated the following: on or about November 2004, she was approached at [redacted] by [redacted], a fellow student. [redacted] asked [redacted] if she wanted to make money. She agreed and was told she would provide a massage to wealthy man in Palm Beach. [redacted] picked her up and drove her to a house in Palm Beach. She was brought into the kitchen area of the house. She further stated that fellow [redacted] students [redacted] and [redacted] came with them. They were brought into the kitchen where she was introduced to Epstein and other females. [redacted] stated she was introduced to a female helper of Epstein, the female was described as white female (unknown name), with blond hair. She stated that the assistant was familiar with [redacted] The assistant brought her upstairs into a master bedroom area. The assistant set up the massage table and put out lotions to be used. She told [redacted] Epstein would be available in a minute. Epstein entered the room wearing only a towel. Epstein removed his towel, and laid naked on the massage table and picked a lotion to rub on his thighs and back. [redacted] further stated during the massage, Epstein asked her to remove her clothes. She complied and removed her pants and blouse. [redacted] didn't remember if she had removed her bra but feels that she did. [redacted] was certain that she stayed in her thong underwear. [redacted] continued the massage and at one point she climbed onto the massage

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table, straddling Epstein to massage his back. While doing this her buttocks were touching Epsteins. [redacted] was instructed to return to the ground at which time Epstein turned to have his chest rubbed. [redacted] advised she was sure he was masturbating based on his hand movements going up and down on his penis area. [redacted] did not want to look at his penis area because she was uncomfortable. Epstein removed a large white vibrator which was next to the massage table and turned it on. [redacted] stated Epstein began rubbing the vibrator over her thong underwear on her vaginal area. Shortly thereafter, Epstein ejaculated and removed himself from the table. He walked over to where the shower was and opened the glass door. She waited as he was taking a shower in her direct view. When I asked [redacted] how old she was when this occurred, she stated she had just turned seventeen. At the conclusion of the shower, [redacted] was paid either $350.00 or $400.00. She stated she wasn't sure, but knows it was close to $400.00. [redacted] stated she never returned to provide a massage for Epstein.

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At approximately 2:10 pm, Det Dawson and I met with [redacted], dob [redacted] at her residence. As [redacted] was only seventeen years of age, I had notified her mother, that she would be interviewed reference an ongoing investigation in Palm Beach. I assured her that her daughter was not a suspect. I explained the possibility of her being either a witness or victim. Mrs [redacted] advised she wanted [redacted] to cooperate and consented to the interview.

During a sworn taped statement, [redacted] stated the following: at the age of sixteen, during the month of September 2004, she was approached by [redacted] for a chance to make money. [redacted] was friends with associates of [redacted] and knew the same people. [redacted] had been previously told by her friends from [redacted] what [redacted] did for Epstein. [redacted] called a person known to [redacted] as [redacted] and scheduled the appointment. [redacted] picked [redacted] up and drove her to Palm Beach to a street called "Brillo Way". They drove to the end of the street and entered a large driveway. They entered the kitchen area of the house and met with Epstein. [redacted] was introduced to Jeff Epstein. [redacted] led [redacted] upstairs to the main bedroom area and set up the room with a massage table and set out the oils. [redacted] stated that while going up the stairs and into the bedroom she observed numerous photographs of naked young girls. [redacted] dimmed the lights and turned on soft music. [redacted] exited the room and Epstein entered the room wearing only a towel. Epstein picked oils and instructed her to rub his legs, under his buttocks, back and chest area. Epstein asked her to get comfortable. [redacted] advised she did not remove her clothes. She was wearing tight jeans and a cropped tank top exposing her belly area. During the massage, Epstein removed his towel and laid on the massage table naked. As [redacted] rubbed Epstein's chest area, he attempted to reach down her pants to touch her buttocks area however was unable to due so due to the tightness of the jeans and a tight belt. [redacted] advised Epstein began to masturbate as she rubbed his chest. Epstein moaned as she rubbed his chest. She observed he was continuing to masturbate and

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attempted to reach up her tank top and touch her breasts. [redacted] pulled back and Epstein stopped, however he kept masturbating until he climaxed. He cleaned himself with the towel he was previously wearing. [redacted] was paid $200.00 for the massage and left the area. She met with [redacted] who was waiting in the kitchen area and left the house. b6 b7C

[redacted] then explained she never provided another massage for Epstein. She did however, go to the house with [redacted] and [redacted] as they took another friend of [redacted]s. [redacted] advised she was present when [redacted] went to work for Epstein. She advised she rode over and sat in the kitchen area with [redacted] to wait for [redacted] advised while they waited for [redacted] the house chef prepared lunch for them as it was almost lunchtime when they went. When [redacted] was finished with the massage they left the area. I asked [redacted] if [redacted] ever told her what would be expected when she provided a massage. [redacted] stated yes, [redacted] told her that a massage would be expected, possibly naked and possibly some touching involved. [redacted] has no formal training in providing massages. [redacted] spoke about a third and last time she went to Epstein's house. [redacted] drove another girl [redacted] (sixteen years of age) who is [redacted] friend, to Epstein's house. [redacted] stated [redacted] knew that [redacted] had made money massaging Epstein and wanted to make money herself. [redacted] took them in the kitchen area of the house and introduced [redacted] to [redacted] took [redacted] upstairs to the main bedroom. [redacted] advised she doesn't know what happened as [redacted] did not speak about what happened in the room. [redacted] received $100.00 from [redacted] for going with her to Epstein's house and recommending [redacted]

On October 6, 2005, at 11:45 am, I met with [redacted], dob [redacted], at [redacted] and explained to her why we there to interview her. She advised she was aware of the ongoing investigation. [redacted] stated she had previously spoken with [redacted] who told her she was interviewed by detectives. During a sworn taped statement [redacted] stated she knew that [redacted] worked for Jeff Epstein in Palm Beach. [redacted] advised she originally had been taken to the Epstein house by [redacted], whom she met when they both attended [redacted]. She began going to the house when she was sixteen years of age and stated she had been there a lot of times to provide massages over the past two years. I asked her if she had formal training in providing massages, which [redacted] stated she had not. [redacted] advised she was told what was expected of her by providing massages and she would have to remove clothing but if she felt uncomfortable just to say so and Epstein would stop pushing the issue. [redacted] began providing massages and advised she kept her clothes on. She considered Epstein a pervert and he kept pushing to go further and further. [redacted] explained she would keep telling him she had a boyfriend and would not be right to her boyfriend. It wasn't until recently that [redacted] began removing her clothes and staying in her thong underwear to provide a massage. [redacted] explained

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Date: 05/01/2006

HOUSE_OVERSIGHT_018902

Epstein wanted to be rubbed on his back and recently he began turning over and have her rub his chest as he masturbated. He would try to touch her breasts as she rubbed his chest. [redacted] stated "Jeff would try to get away with more and more on each massage". [redacted] stated Epstein would try to touch her more and on one occasion he attempted to use a massager/vibrator on her. [redacted] drove [redacted] to the house for the original massage. [redacted] left [redacted] her cell phone number and every time Epstein would come into town, [redacted] would call her for an appointment to "work". Each time she went, [redacted] would meet her at the kitchen door area. She would bring her upstairs and prepare the massage table. [redacted] advised Epstein would ask her questions about herself. Epstein knew she was a soccer player and would be attending [redacted] I asked [redacted] if Epstein knew her real age. [redacted] stated Epstein did and didn't care. The most recent massage she provided was on October 1, 2005. During the massage, she asked Epstein if she could borrow one of his vehicles to visit her family and boyfriend in Orlando, Florida. Epstein had told her she could borrow one of his vehicles but later stated he would rent her a car. She continued with the massage as Epstein grabbed her buttocks and caressed the buttocks cheeks. I asked [redacted] if she was wearing undergarments to which she replied her thong underwear. Once he tried to touch her breasts, she would pull away from him and he would stop. [redacted] was asked if he ever used a vibrator on her. [redacted] was aware of the vibrator but advised she never would allow him to use the vibrator on her. She described the vibrator as the large white vibrator with a huge head on the tip of the vibrator. She stated he kept the vibrator in a closet near the massage table.

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[redacted] stated that on October 3, 2005, she was contacted by Epstein's assistant, [redacted], who informed her that Jeff Epstein had rented her a new Nissan Sentra and she should come by the house to pick it up. [redacted] informed [redacted] she would have the car for a month. [redacted] stated Epstein knew her car was not working properly and that she had missed appointments in the past because of her car being inoperable. [redacted] explained the car is currently parked next to the [redacted] Gym field. I asked her if she ever took any one to the house. [redacted] explained she took [redacted] a friend of hers who attended [redacted] who has relocated to Orlando to attend college. I asked if she ever allowed another female in the room. [redacted] advised no one was brought into the room with her.

At the conclusion of the interview, Det Dawson and I went to the gym area of [redacted] and located the Silver Nissan Sentra bearing Florida tag X98-APM . The vehicle is registered to Dollar Rent a Car out of the Palm Beach International Airport. The vehicle was rented by Janusz Banasiack, later learned to be Epstein's houseman, and paid with Epstein's credit card.

On September 11, 2005, w/f [redacted], dob [redacted] was arrested by the Palm Beach Police Department

The foregoing instrument was sworn to or affirmed before me this 1st day of May, 2006 by Det Joe Recarey, who is personally known to me.

State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

for misdemeanor possession of marijuana. During the arrest [redacted] told the arresting officer that she had information about sexual activity taking place at the residence of Jeffrey Epstein. Additionally, during the ongoing trash pulls from Epstein's residence, discarded papers were found which contained [redacted] name and cell phone number.

On October, 11, 2005, Det Dawson and I met with [redacted] and obtained a sworn taped statement. [redacted] explained she had been going to Epstein's house since 2002, when she was sixteen years of age. Since then she has gone to the house hundreds of times. [redacted] stated she became his "number one girl." She explained that on her first visit she was brought to the house by fellow [redacted] classmate, [redacted] said she was brought through the kitchen area where she met [redacted] for the first time. [redacted] was led to the master bedroom, Epstein s room. [redacted] explained that as she was walking up the stairs she observed several photographs of naked women along the walls and tables of the house. [redacted] further explained that she was brought into the bedroom, where [redacted] prepared the room by setting up the massage table and provided the oils for her to rub on Epstein. [redacted] explained she remembered the steam room area, which contained two large showers. Epstein entered the room from the steam room area and introduced himself. Epstein lay on the table and told her to get comfortable. [redacted] removed her skirt and kept her shirt on. Epstein then instructed her to remove her shirt. [redacted] removed her shirt and remembered she was not wearing a bra. [redacted] stated she provided the massage wearing only her panties. She continued rubbing his legs, thighs and feet. [redacted] advised he turned over onto his back. Epstein touched her breasts and began to masturbate. Epstein ejaculated which meant the massage was over. At the conclusion of the massage, [redacted] was paid $200.00. They walked together downstairs where [redacted] and [redacted] were waiting. [redacted] stated [redacted] received an unknown amount of money for taking her to Epstein. Epstein instructed to leave her cellular telephone number so that he could contact her when he is in town.

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[redacted] stated that during her many visits a routine was established between her and Epstein. She would enter the house and get naked in the bedroom. She would then start with a back massage. Epstein would roll on to his back and allow her to massage his chest area. [redacted] stated Epstein would then began to masturbate himself and at the same time would insert his fingers in her vagina and masturbate her with his fingers. [redacted] explained Epstein would continue this process until he ejaculated. He would then utilize a vibrator/massager on her vagina until [redacted] climaxed. [redacted] advised that during her frequent visits, Epstein asked for her real age, [redacted] stated she was sixteen. Epstein advised her not to tell anyone her real age. [redacted] advised that things escalated within the home as Epstein would instruct and pay [redacted] to have intercourse with his female friend, [redacted]. [redacted] explained the intercourse included using strap on dildos, large rubber penis' and other devices that Epstein had at his disposal. Epstein would watch them have intercourse and masturbate himself. Occasionally, Epstein would then join in

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during the female on female intercourse and provide oral sex to both [redacted] and [redacted] This occurred during the time [redacted] was sixteen years of age.

[redacted] advised this continued to escalate during two years. The routine became familiar to [redacted] Epstein's assistant [redacted] would telephone her every time Epstein was in the Town of Palm Beach and would place appointments for her to visit and work for Epstein. Each time something new was introduced, additional monies were produced and offered for [redacted] to allow the acts to happen. [redacted] consented to perform all these acts but was adamant that there was an understanding with Epstein that no vaginal penetration would occur with his penis. [redacted] explained that Epstein's penis was deformed. [redacted] explained that his penis was oval shaped. [redacted] claimed when Epstein's penis was erect, it was thick toward the bottom but was thin and small toward the head portion. [redacted] called Epstein's penis "egg-shaped." [redacted] stated Epstein would photograph [redacted] and her naked and having sex and proudly display the photographs within the home. [redacted] stated during one visit to Epstein's house in which she provided a massage to Epstein, his female friend, [redacted], was also present. [redacted] provided the massage in which [redacted] and her would fondle each others breasts and kiss for Epstein to enjoy. Towards the end of this massage, Epstein grabbed [redacted] and turned her over onto her stomach on the massage table and forcibly inserted his penis into her vagina. [redacted] stated Epstein began to pump his penis in her vagina. [redacted] became upset over this. She said her head was being held against the table forcibly, as he continued to pump inside her. She screamed "No!" and Epstein stopped. She told him that she did not want to have his penis inside of her. Epstein did not ejaculate inside of her and apologized for his actions and subsequently paid her a thousand dollars for that visit. [redacted] stated she knows he still displays her photographs through out the house.

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On October 12, 2005, Det Dawson and I met with [redacted], dob [redacted] who stated during a sworn taped statement, that nothing happened between her and Epstein. [redacted] appeared nervous during the interview. I assured her that I have spoken with other people who advised differently. [redacted] stated on several occasions she provided a massage to Epstein. She stated she was brought to the Epstein house in March of 2005. [redacted] a classmate at [redacted], approached her and asked her if she wanted to "work". [redacted] made the arrangements with [redacted] Epstein's assistant. [redacted], who has no formal training in providing massages, stated she provided a massage, fully clothed for $200.00 . As I sensed hesitancy in her answers, I asked [redacted] if she had been contacted by anyone from Epstein's organizations or his house. [redacted] stated she was interviewed already by a private investigator for Epstein. He identified himself as "Paul" and inquired about the police investigation, and left his telephone number [redacted] for additional contact. [redacted] provided no additional information, as it appeared her responses were almost scripted.

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State of Florida
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Date: 05/01/2006

HOUSE_OVERSIGHT_018905

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI# FLO 500600

On November 6, 2005, at approximately 3:30 pm, I met with [redacted] dob [redacted], at the Palm Beach Police Department. [redacted] was identified as a potential witness/victim through information obtained during the trash pulls. During the sworn taped statement, [redacted] advised she was at Jeffrey Epstein's house one time, approximately two months ago. She was approached by a girl, [redacted] who was dating [redacted] roommate, for an opportunity to make some quick money. [redacted] advised she needed to make some quick cash to make the rent that month. She agreed to go to the house. She had been told by [redacted] that the massage would have to be done in her underwear. She advised [redacted] drove with her and brought her into the house. They walked into the kitchen area, and took the stairs upstairs. [redacted] further stated she was brought into a master bedroom area. She advised she recalled seeing portraits of naked women throughout the room. A massage table was already out near the sauna/shower area in the master bedroom. Epstein entered the room wearing only a towel and introduced himself as "Jeff." At Epstein's direction, [redacted] and [redacted] removed their clothing down to their panties, Epstein laid on his stomach area and they provided a massage on his legs and feet area. I asked [redacted] if she had any formal massage training and she replied "no." [redacted] advised she was topless and the panties she wore were the boy shorts lace panties. She and [redacted] continued the massage until the last ten minutes of the massage, Epstein, told [redacted] to leave the room so that [redacted] could finish the massage. [redacted] got dressed, and left the room as Epstein turned over onto his back. Epstein then removed the towel and laid naked . Epstein requested that [redacted] rub his chest area. [redacted] stated as she did this, Epstein, began masturbating. [redacted] stated Epstein pulled down her boy short panties, and he produced a large white vibrator with a large head. She stated it was within his reach in a drawer in his master bathroom. He rubbed the vibrator on her vaginal area. [redacted] advised he never penetrated her vagina with the vibrator. He continued to rub her vagina with the vibrator as he continued to masturbate. [redacted] stated she was very uncomfortable during the incident but knew it was almost over. Epstein climaxed and started to remove himself from the table. He wiped himself with the towel he had on previously and went into the shower area. Thomas got dressed and met with [redacted] in the kitchen area. Epstein came into the kitchen and provided [redacted] $200.00 for bringing [redacted] and paid $200.00 to [redacted] for providing the massage. [redacted] was told to leave her telephone number with [redacted] for future contact. [redacted] provided her cellular telephone number. [redacted] was asked if she was recently contacted about this investigation by anyone from the Epstein organization. She replied she was called but it was for work. She stated she was called by [redacted] for her to return to "work" for Epstein. [redacted] stated "work" is the term used by [redacted] to provide the massages and other things. [redacted] advised she declined as she was not comfortable in providing that type of "work."

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On November 7, 2005, Det Sandman and I met with [redacted], dob [redacted] During a sworn taped statement, [redacted] stated she met Jeffrey Epstein through [redacted] when they were still

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Date: 05/01/2006

HOUSE_OVERSIGHT_018906

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attending [redacted] would approach females who wished to work for Epstein. [redacted] stated she was offered to work for Epstein but declined. [redacted] explained that "work" means give massages. She was asked about any formal training in providing massages which she said "no." [redacted] said she accompanied [redacted] and other females who were taken to Epstein's house to provide massages. [redacted] further stated she had been to the house approximately 4 or 5 times in the past year. She accompanied [redacted] with [redacted] Each time the girls were taken over, they were previously told they would have to provide a massage, possibly naked. They were also told that should Epstein require them to do anything extra, and they were not comfortable just to tell him and he would stop. [redacted] stated [redacted] received $200.00 for each girl she brought over to massage Jeffrey Epstein. When I asked which girl appeared to be the youngest, she replied, [redacted] who was really young, fifteen years old at the most. [redacted] further stated each time she went to the house, she sat in the kitchen and waited with [redacted] until the massage was over. She further stated that the cook would make lunch or a snack for them as they waited. I asked her if there was anything that caught her attention within the home. [redacted] stated there were a lot of naked girls in photographs throughout the house.

On November 8, 2005, at approximately 2:00pm , I met with [redacted], dob [redacted] at the Palm Beach Police Department. During a sworn taped statement, [redacted] stated she had met Epstein approximately two years ago when she was first approached by [redacted], a classmate at [redacted] [redacted] approached her about working for Epstein and providing a massage to him for $200.00. [redacted] had made the arrangements however was unable to take her the day the arrangements were made. [redacted] had [redacted] take [redacted] also attended [redacted] and was familiar with Epstein. [redacted] recalled she was brought there and entered through the back kitchen door. She had met with an assistant [redacted] and another assistant [redacted]. [redacted] brought her upstairs as she observed several photographs of naked females throughout the house. [redacted] stated Epstein came in the room, wearing only a towel, and laid on the table. [redacted] stated he picked out the oils he wanted her to use and requested she remove her clothing to provide the massage. [redacted] stated that on the first massage she provided she did not remove her clothing. [redacted] stated she had returned several times after that. Each time she returned it was more than a massage. Epstein would walk into the master bedroom/bathroom area wearing only a towel. He would masturbate as she provided a massage. [redacted] stated she was unsure if he climaxed as he masturbated under the towel. Additionally, she never looked below his waist. She claimed that Epstein would convince her to remove her clothes. She eventually removed her clothes and stayed in her thong panties. On occasion, Epstein would use a massager/vibrator, which she described as white in color and a large head. Epstein would rub the vibrator/massager on her vaginal area as he would masturbate. [redacted] stated she had been to the house

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Date: 05/01/2006

numerous times. [redacted] added she has no formal training in providing a massage. [redacted] stated she brought two females during her visits to provide massages. [redacted] stated she brought a girl named [redacted] and [redacted] from [redacted] stated she received $200.00 for each girl she brought. b6 b7C

On November 8, 2005, I met with [redacted] W/F, [redacted], at the Palm Beach Police Department. During a sworn taped statement, [redacted] stated she had met Jeffrey Epstein approximately one year ago. She was approached by a subject known to her as [redacted] had asked her if she wanted to make money providing massages to Epstein. [redacted] had heard that several girls from [redacted] were doing this and making money. She agreed and was taken to the house by [redacted] had introduced her to [redacted] and Epstein and brought her upstairs to a master bedroom where a massage table was prepared and the proper oils were selected. [redacted] left the room and waited downstairs for her. [redacted] stated Epstein entered the room wearing a towel and laid on his stomach. She provided a massage wearing only her thong panties. [redacted] advised Epstein had masturbated every time she provided a massage. She stated Epstein continued to masturbate until he climaxed. Once that occurred the massage was over. She felt the whole situation was weird but she advised she was paid $200.00 for providing the massage. She also stated [redacted] was paid $200.00 by Epstein for bringing [redacted] stated she had gone a total of 15 times to Epstein's residence to provide a massage and things had escalated from just providing a massage. Epstein began touching her on her buttocks and grabbed her closer to him as he masturbated. Epstein also grabbed her breasts and fondled her breasts with his hands as she provided the massage. [redacted] stated on one occasion, while she was only seventeen years of age, he offered extra monies to have vaginal intercourse. She stated this all occurred on the massage table. [redacted] stated Epstein penetrated her vagina with his penis and began having intercourse with her until he reached the point of climax. Epstein removed his penis from her vagina and climaxed onto the massage table. [redacted] received $350.00 for her massage. I asked her if she had any formal training in providing massages, [redacted] stated she did not. [redacted] continued to state on one other occasion, Epstein introduced his girlfriend, [redacted] into the massage. [redacted] was brought into room with [redacted] to provide a massage. Epstein had them kiss and fondle each other around the breasts and buttocks as they provided a massage to Epstein. Epstein, watched and masturbated as this occurred. On other occasions, Epstein, introduced the large white vibrator/massager in the massage. Epstein stroked the vibrator/massager on [redacted] vagina as she provided the massage.

On November 14, 2005, Det Sandman and I met with [redacted], dob [redacted] During a sworn taped statement she advised she started going to the house approximately one year ago and has been there approximately five or six times. [redacted] also stated she was sixteen years old when she first went to Epstein's house. On her first visit she was brought by a fellow student from [redacted] known to her

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Date: 05/01/2006

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as [redacted] stated [redacted] brought her into the house and she was introduced to [redacted]. [redacted] then brought her upstairs into a master bathroom, located within the bedroom. [redacted] stated she met Epstein in the bathroom. He laid on the table and picked the massage oils. She provided the massage as he laid naked on the massage bed. She stated she rubbed his calves and back area. Upon the end of the massage, Epstein removed himself from the massage table and paid her $300.00 for the massage. [redacted] said each subsequent time she went to the house, she was notified by [redacted] that Epstein was in town and would like her to "work". [redacted] stated she returned to the house and was again led upstairs by [redacted] She provided the massage, clothed. [redacted] was asked if she ever removed her clothing to provide a massage. [redacted] stated it was not until the third time that she went that she removed her clothing. [redacted] stated she was notified by [redacted] that Epstein wanted her to come to work. She arrived at the house and was led upstairs by [redacted] She started providing the massage when Epstein asked her to remove her clothing. [redacted] removed her pants, shirt and bra. She stayed in her thong panties and continued rubbing Epstein. Epstein turned over onto his back and she rubbed his chest area. [redacted] stated she knew he was masturbating himself as she providing the massage. [redacted] stated she believed he climaxed based on his breathing. She did not want to view either the climax or the fact that he was masturbating. [redacted] stated once the breathing relaxed he got up and told her to get dressed. She was paid $300.00 for her services. [redacted] stated on the last time she went to provide a massage, she was notified by [redacted] to come to the house and "work". [redacted] stated she was now dating her current boyfriend and did not feel comfortable going. She recalled it was approximately January 2005. She said she went, already thinking that this would be the last time. She went upstairs and went into the master bathroom. She met with Epstein, who was wearing only a towel, and laid onto the table. [redacted] stated Epstein caught her looking at the clock on several occasions. Epstein asked her if she was in a hurry. [redacted] stated her boyfriend was in the car waiting for her. [redacted] further stated that Epstein got upset as he wasn't enjoying the massage. She told him that she didn't want to continue and she would not be back. Epstein told her to leave as she was ruining his massage. [redacted] advised she had no formal training in providing any massages. [redacted] stated although she had a falling out with Epstein, she still received a Christmas bonus from Epstein. [redacted] stated she was wired money from Western Union for her Christmas bonus. Subpoena results from Western Union revealed money was sent from Jeffrey Epstein on December 23, 2004. [redacted] received $200.00 from Epstein for her Christmas bonus.

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On November 15, 2005, Det. Sandman and I met with [redacted], dob [redacted] During a sworn taped statement [redacted] stated she met Jeffrey Epstein over a year ago. She was sixteen years of age and was approached by [redacted] a fellow [redacted] student, who informed her that she could make $200.00 providing a massage to Epstein. [redacted] had informed her that she would have to provide this

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Date: 05/01/2006

HOUSE_OVERSIGHT_018909

massage topless. [redacted] made the arrangements with Epstein and his assistants and took [redacted] to the house. [redacted] stated [redacted] and she entered through a glass door that led into a kitchen. She was taken upstairs by [redacted] to a master bedroom. She recalled the master bathroom had a large pink couch, sauna and matching shower. Epstein entered into the room wearing only a towel. [redacted] and [redacted] removed their clothing remaining only in thong underwear. She further stated that Epstein laid on his chest on the table. The oils were selected on which ones to use. Both [redacted] and [redacted] provided the massage on his legs, back and feet. Forty minutes into the massage, Epstein turned over onto his back and requested [redacted] wait downstairs in the kitchen area for [redacted] Epstein instructed [redacted] to finish the massage. As [redacted] got dressed, [redacted] starting rubbing Epstein's chest. [redacted] left the room, and Epstein began masturbating as [redacted] rubbed Epstein's chest. [redacted] stated Epstein continued masturbating until he climaxed on the towel he was wearing. When asked if he had removed the towel she stated he turned the towel around so that the opening would allow him to expose himself. After he cleaned himself off with the towel he instructed [redacted] the massage was done and to get dressed and meet with him downstairs. [redacted] got dressed and met with Epstein in the kitchen area. She was paid $200.00 dollars for providing the massage. [redacted] stated she was aware that [redacted] also received monies for the same thing. The second time she went to the house she was again approached by [redacted] advised if she wanted to return to the house to provide another massage. [redacted] agreed and the arrangements were made by [redacted] for her to return to the house. [redacted] stated [redacted] drove her to the house and knocked on the same glass door which leads to the kitchen area. They were allowed entry into the house by one of the staff members. [redacted] led her upstairs to the master bedroom and master bathroom area. [redacted] left [redacted] this time to do the massage alone. Epstein entered the room again wearing only a towel. [redacted] began removing her clothing as she did the last time she was at the house. Epstein instructed her to get naked. He laid on the table onto his stomach as [redacted] began massaging his legs and back. As [redacted] finished with Epstein's back and legs, Epstein then turned over onto his back. [redacted] started to rub his chest and he began masturbating. As [redacted] rubbed his chest, Epstein leaned over and produced a massager/vibrator. He turned it on and began rubbing [redacted] vagina and masturbating himself at the same time. [redacted] stated she continued to rub his chest as this was occurring. She described the vibrator/massager as large grey with a large head. Epstein rubbed her vagina for approximately two to three minutes with the massager/vibrator. He then removed the vibrator from her vaginal area and concentrated on masturbating himself. [redacted] stated Epstein climaxed onto the towel again and informed her that the massage was done. [redacted] got dressed and met with [redacted] who was waiting in the kitchen area. She received $200.00 for the massage. [redacted] said she never returned to the house and had no desire to return to the house. [redacted] was asked if she received any formal massage training. She advised she had no formal training. [redacted] was asked if Epstein knew her real age. [redacted] stated he knew, as he asked her questions about herself and high school. He was aware she attended, and is still attending [redacted]

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Date: 05/01/2006

During the course of the investigation a search warrant was executed at Jeffrey Epstein's home located at 358 El Brillo Way in Palm Beach. While in the home I observed the pink and green couch within the master bedroom area just as the girls previously mentioned. The stairway, which is located from the kitchen area to the master bedroom area, is lined with photos of naked young girls. Additionally, numerous photographs of naked young females, some of which appeared to be the girls I previously interviewed, were on display throughout the house. Also located in the house were various phone message books. The telephone message books have a duplicate copy (Carbon Copy) which, once a phone message is written into the book, the top copy is then torn on the perforated edge and the carbon copy is left in the book. First names of girls, dates and telephone numbers were on the copy of the messages. I recognized various numbers and names of girls that had already been interviewed. The body of the messages were time of the day that they called for confirmation of "work." Other names and telephone numbers were located in which the body of the messages were, "I have girls for him" or "I have 2 girls for him." These messages were taken by [redacted] who signed the bottom of the messages. During the execution of the warrant, I located a [redacted] transcript for [redacted] in Epstein's bedroom desk. This desk had stationary marked Jeffrey E Epstein. I located a wood colored armoire beside Epstein's bed that contained a bottle of "Joy Jelly," which is used to provide a warm massage. Several massage tables were located throughout the second floor of the residence, including a massage table found in Epstein's bedroom. On the first floor of the residence I found two covert cameras hidden within clocks. One was located in the garage and the other located in the library area on a shelf behind Epstein's desk. A computer was located which was believed to contain the images from the covert cameras. The computer's hard drive was reviewed which showed several images of [redacted] and other witnesses that have been interviewed. All of these images appeared to come from the camera positioned behind Epstein's desk. b6 b7C

On December 13, 2005, Det. Dawson and I met with [redacted], dob [redacted] During a sworn taped statement [redacted] stated that when she was sixteen years old she was taken to Epstein's house to provide a massage for money. [redacted] stated it was before Christmas last year (2004) when an associate [redacted] approached her and asked if she needed to make money for Christmas. [redacted] made arrangements to take [redacted] to the house and drove [redacted] to the house to "work." They were encountered by a white female with long blond hair. [redacted] was unable to remember the name of the white female with blond hair but knew she was Epstein's assistant. She was led upstairs by the white female who explained that there would be lotions out already and Epstein would choose the lotion he wanted her to use. She was led through a spiral staircase which led to a master bedroom and bathroom. The massage table was already set up in the bathroom. [redacted] described the bathroom as a large spacious bathroom with a steam room and shower beside it. [redacted] was introduced to Epstein who was on the phone when she entered the room. Epstein was wearing a white towel and laid on his stomach so that [redacted] may

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Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

massage his feet and calves. [redacted] started the massage with the oils Epstein chose and rubbed his feet and calves. Epstein got off the phone and requested she massage his back as well. [redacted] began rubbing his back and got to the small of his back. During the rubbing of his back, Epstein asked her to get comfortable. He requested she remove her pants and shirt. [redacted] removed her shirt and pulled her pants off. [redacted] stayed in her bra and thong panties. As she finished massaging the small of Epstein's back, he then turned onto his back. Epstein instructed [redacted] to rub his chest and pinch his nipples. As she began to rub his chest, Epstein asked her questions about herself. [redacted] remembered telling him she attended [redacted] Epstein asked her if she was sexually active. Before [redacted] could answer, he also asked what sexual position does she enjoy. [redacted] stated she was shy and didn't like talking about those things. She continued rubbing his chest. Epstein reached up and unsnapped her bra from the front. [redacted] explained the bra she used had a front snapping device. Epstein rubbed her breasts and asked her if she like having her breasts rubbed. [redacted] said "no, I don't like that." Epstein then removed his towel and laid on the bed naked exposing his penis to [redacted] He began touching his penis and masturbated as he touched her breasts. [redacted] explained Epstein then touched her vaginal area by rubbing her vagina with his fingers on the outside of her thong panties. [redacted] tensed up and stated Epstein was aware that she was uncomfortable. [redacted] stated that Epstein said to her, "Relax, I'm not going inside." She further explained Epstein commented to her how beautiful and sexy she was. Epstein then moved her thong panties to one side and began stroking her clitoris. [redacted] said, "He commented how hard my clit was." He then inserted two fingers in her vagina and was stroking her within her vagina. She tried pulling back to pull out his fingers from within her vagina. Epstein removed his fingers from within her vagina and apologized for putting his fingers inside her. During this time, he kept his hand on her vaginal area and continued to rub her vagina. [redacted] stated he rubbed her really hard as he was masturbating. [redacted] said he climaxed onto the towel he had been previously wearing and got up from the table. Epstein told her there was $200.00 dollars for her on the dresser within the master bathroom. Epstein also told her that there was an additional $100.00 that was to be given to [redacted] for bringing her there to massage him. Epstein told her to leave her telephone number with his assistant as he wanted to see her again. Epstein stated his assistant would contact her to work again soon. I asked her if she ever received any formal massage training to which [redacted] stated she did not. [redacted] stated it was the only time she ever went to work for Jeff and knew what happened to her was wrong. She further stated that she had never been contacted for any additional work.

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On January 9, 2006, I located and interviewed another victim, [redacted] dob [redacted] was identified as a potential victim/witness from information obtained during trash pulls from Epstein's residence. [redacted] stated she met Epstein when she was fifteen years of age. She was approached by a friend from [redacted] to be taken to Jeffrey Epstein's house to work. She was originally told she would be able

The foregoing instrument was sworn to or affirmed before me this 1st day of May, 2006 by Det Joe Recarey, who is personally known to me.

State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

to model lingerie for a wealthy Palm Beacher. [redacted] was taken to Epstein's house located on El BrilloWay. [redacted] introduced [redacted] to Jeffrey Epstein. Epstein had his personal chef prepare dinner for [redacted]. At the conclusion of dinner, [redacted] and Epstein brought [redacted] upstairs into a master bedroom area. [redacted] observed a large massage table with a sheet on it. Epstein entered through a door and exited wearing only a towel. [redacted] informed [redacted] that they were going to provide a massage on Epstein. [redacted] asked why were they doing this instead of modeling lingerie. [redacted] explained to [redacted] that this was his routine and to rub his calves and feet. Epstein had told [redacted] to get comfortable. [redacted] removed her pants and blouse. [redacted] stated she stayed only in panties as she did not wear a bra that evening. [redacted] stated while rubbing his calves and feet, Epstein turned over onto his back. Epstein told [redacted] to rub his chest and rub his nipples. [redacted] stated that as she started rubbing his chest, Epstein began masturbating himself. Epstein touched her breasts and stroked her vagina with his fingers. Epstein continued to masturbate himself as he stroked her vagina. Epstein ejaculated on his towel and paid [redacted] $200.00 for the massage. Epstein told [redacted] that if she told anyone what happened at his house that bad things could happen. [redacted] and [redacted] were brought home by Epstein's houseman and [redacted] was afraid that Epstein knew where she lived. [redacted] stated that several days later she received a telephone call from [redacted] who coordinated for [redacted] to return to "work." [redacted] returned to the house and was brought to Epstein's bedroom area by [redacted] who prepared the room for the massage. Epstein entered the room wearing only a towel. Epstein had [redacted] remove her clothing and provide the massage naked. [redacted] began rubbing his feet and calves and Epstein turned over onto his back. Epstein rubbed her vagina with his fingers. Epstein began to masturbate himself with an upwards and downward motion on his penis. Epstein continued to touch her vagina with one hand and masturbate with the other hand. Once Epstein ejaculated onto the towel he was wearing, the massage was over. [redacted] was paid $200.00 for the massage. Epstein again told [redacted] not to speak of what happened at his house or bad things would happen. [redacted] wanted to notify authorities however she was afraid of what would happen to either her or her family.

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During the course of the investigation, several subjects were identified as a potential witness/victim through information obtained during the trash pulls, physical surveillance and telephone message books retrieved from the search warrant. While conducting research on the subjects, I discovered that the females were age eighteen or older. Interviews were conducted on the consenting adults whose statements provided the same massage routine when they went to "work" for Epstein. The females would be notified by [redacted], and made appointments for the females to "work" for Epstein. The females would come to Epstein's house and were led upstairs, through a stairwell from the kitchen area, by [redacted] to Epstein's bedroom. Epstein would then enter the room wearing only a towel, and ask them to get comfortable. The females would then provide the massage naked as Epstein would either touch their vaginas with his fingers and/or utilize the massager/vibrator on

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Date: 05/01/2006

their vaginal area. He would masturbate during the massage and upon his climaxing, the massage would end. The girls were then paid two or three hundred dollars for the massage.

On November 21, 2005 I interviewed Jose Alessi, a former houseman for Jeffrey Epstein. Alessi stated he was employed for eleven years with Mr. Epstein, from approximately 1993 through 2004. Alessi stated he was the house manager, driver and house maintenance person. It was his responsibility to prepare the house for Epstein s arrival. When asked about cooks or assistants, Alessi stated they traveled with Epstein on his private plane. I asked Mr. Alessi about the massages that have occurred at Epstein's home. Alessi stated Epstein receives three massages a day. Each masseuse that visited the house was different. Alessi stated that towards the end of his employment, the masseuses were younger and younger. When asked how young, Mr. Alessi stated they appeared to be sixteen or seventeen years of age at the most. The massages would occur in Epstein's bedroom or bathroom. He knew this because he often set up the massage tables. I asked if there were things going on other than a massage. Alessi stated that there were times towards the end of his employment that he would have to wash off a massager/vibrator and a long rubber penis, which were in the sink after the massage. Additionally, he stated the bed would almost always have to be made after the massage.

On January 4, 2006 I interviewed another former houseman, Mr Alfredo Rodriguez. During a sworn taped statement, Mr. Rodriguez stated he was employed by Jeffrey Epstein for approximately six months, from November 2004 through May of 2005. His responsibilities as house manager included being the butler, chauffeur, chef, houseman, run errands for Epstein and provide for Epstein's guests. I asked Rodriguez about masseuses coming to the house. Rodriguez stated Epstein would have two massages a day. Epstein would have one massage in the morning and one massage in the afternoon everyday he was in residence. Rodriguez stated he would be informed to expect someone and make them comfortable until either [redacted] or Epstein would meet with them. Rodriguez stated once the masseuses would arrive, he would allow them entry into the kitchen area and offer them something to drink or eat. They would then be encountered by either [redacted] or Epstein. They would be taken upstairs to provide the massage. I asked Rodriguez if any of the masseuses appeared young in age. Rodriguez stated the girls that would come appeared to be too young to be masseuses. He stated one time under Epstein's direction, he delivered a dozen roses to [redacted] for one of the girls that came to provide a massage. He knew the girls were still in high school and were of high school age. I asked Rodriguez about the massages. He felt there was a lot more going on than just massages. He would often clean Mr. Epstein's bedroom after the alleged massages and would discover massagers/vibrators and sex toys scattered on the floor. He also said he would wipe down the vibrators and sex toys and put them away in an armoire. He described the armoire as a small wood armoire which was on the wall close to Epstein's

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b7C

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Date: 05/01/2006

bed. On one occasion Epstein ordered Rodriguez to go to the Dollar rent a car and rent a car for the same girl he brought the roses to, so that she could drive her self to Epstein's house without incident. Rodriguez said the girl always needed rides to and from the house.

Rodriguez produced a green folder which contained documents, and a note with Mr. Epstein's stationary with direction to deliver a bucket of roses to [redacted] after [redacted] high school drama performance. Also in that same note was direction to rent a car for [redacted] and direction to extend the rental contract. b6 b7C

During the course of the investigation, subpoenas were obtained for cell phone and home phone records from several victims and witnesses along with the cell phone records of [redacted]. An analysis of these records was conducted which found numerous telephone calls were made between [redacted] and the victims. These records indicate the dates the calls were made are consistent with the dates and times they victims/witnesses stated they were contacted. Specifically, The phone records showed [redacted] called [redacted] during the exact times and dates when victim [redacted] advised the incident occurred. [redacted] also coordinated the encounters with [redacted] during the time frame the girls stated they occurred.

Pursuant to a lawful subpoena I obtained Epstein's private plane records for 2005 from Jet Aviation. The plane records show arrival and departure of Epstein's plane at Palm Beach International airport. These records were compared to the cell phone records of [redacted] This comparison found that all the phone calls [redacted] made to [redacted] and the victims were made in the days just prior to their arrival or during the time Epstein was in Palm Beach.

Therefore, as Jeffrey Epstein, who at the time of these incidents was fifty one years of age, did have vaginal intercourse either with his penis or digitally with [redacted] who were minors at the time this occurred, there is sufficient probable cause to charge Jeffrey Epstein with four counts of Unlawful Sexual Activity with a Minor, in violation of Florida State Statute 794.05(1), a second degree felony. As Epstein, who at the time of the incident was fifty two years of age, did use a vibrator on the external vaginal area of [redacted] a fourteen year old minor, there is sufficient probable cause to charge him with Lewd and Lascivious Molestation, in violation of Florida State Statute 800.04 (5), a second degree felony. b6 b7C

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State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

FD-350 (Rev. 5-8-81)

(Indicate page, name of newspaper, city and state.)
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Edition:

Title: Mystery money man faces soliciting charge

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Mount Clipping in Space Below)

Mystery money man faces soliciting charge

By NICOLE JANOK
Palm Beach Post Staff Writer

A part-time Palm Beacher who has socialized with Donald Trump, Bill Clinton and Kevin Spacey was jailed early Sunday with accused drug dealers, drunken drivers and wife beaters after he was charged with soliciting a prostitute.

Manhattan money manager Jeffrey Epstein, 53, was picked up at his home on El Brillo Way at 1:45 a.m. He was released hours later on $3,000 bond.

Epstein was indicted last week by a state grand jury, according to state attorney's spokesman Mike Edmondson. Despite Epstein's arrest, the indictment containing the allegations remained sealed Sunday and Edmondson provided no details.

Unlike most accused johns, Epstein was charged with a third-degree felony instead of a misdemeanor. Under state law, a solicitation charge usually is elevated to a more-serious felony when the defendant has at least two solicitation convictions.

However, checks of court records here and in New York Sunday turned up no such convictions.

Epstein could not be reached. Edmondson said he was being represented by West Palm Beach attorney Jack Goldberg, who declined comment.

Epstein is the president of J Epstein & Co., a money management company based in Manhattan that caters to ultra-wealthy clientele, according to pub-

See SOLICITING, 6B ▶

Jeffrey Epstein
Indictment related to prostitution.

'Mysterious billionaire' has been on probation

▶ SOLICITING *from 1B*

lished reports. National magazines have described him as a "mysterious billionaire" who lives in a 45,000-square-foot New York City mansion.

He has been in trouble before. In 1993, he and two other defendants were charged in federal court with three counts of postal larceny and theft and one count of property theft. Epstein plead guilty to a single charge of conspiring to steal U.S. Treasury checks from residential mailboxes and received 5 years' probation. The remaining charges were dropped.

Since then, Epstein's name has turned up in New York City's tabloids. *The New York Post* noted he flew President Clinton and Kevin Spacey to Africa on his private Boeing 727. In 2003, the paper dubbed him one of the Big Apple's "top studs."

In 2004, Epstein bid against Trump for a 43,000-square foot Palm Beach estate once owned by healthcare magnate Abe Gosman. Trump topped Epstein with a $41.35 million bid.

Staff Researcher Angelica Cortez contributed to this story.

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31E-MM-108062-4

Indictment: Billionaire solicited 3 times

Palm Beach police will report today about their prostitution probe of the money manager.

By LARRY KELLER
Palm Beach Post Staff Writer

Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution.

Epstein, 53, was booked at the Palm Beach County jail at 1:45 a.m. Sunday. He was released on $3,000 bond.

Epstein's case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information — an alternative to an indictment charging a person with the commission of a crime.

Epstein

His attorney, Jack Goldberger, declined to discuss the charge.

State attorney's office spokesman Mike Edmondson also had little to say.

"Generally speaking, there is a case that has a number of different aspects to it," Edmondson said of a prostitution-related charge being submitted to a grand jury. "We first became aware of the case months ago by Palm Beach police."

Prosecutors and police worked together to bring the case to the grand jury, he said.

Palm Beach police confirmed that and said the department will release a report today regarding its investigation.

Epstein has owned a five-bedroom, 7½-bath, 7,234-square-foot home with a pool and a boat dock on the Intracoastal Waterway since 1990, according to property records. A man answering the door there Monday said that Epstein wasn't home. A Cadillac Escalade registered to him was parked in the driveway, which is flanked by two massive gargoyles.

Epstein sued Property Appraiser Gary Nikolits in 2001, contending that the assessment of his home exceeded its fair market value. He dismissed his lawsuit in December 2002.

A profile of Epstein in *Vanity Fair* magazine said he owns what are believed to be the largest private homes in Manhattan — 51,000 square feet — and in New Mexico — a 7,500-acre ranch. Those are in addition to his 70-acre island in the U.S. Virgin Islands and fleet of aircraft.

Epstein's friends and admirers, according to the magazine, include prominent businessmen, academics and scientists and famed Harvard law professor Alan Dershowitz.

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Indexing:

After long probe, billionaire faces solicitation charge

By LARRY KELLER
Palm Beach Post Staff Writer

Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department.

Epstein

Palm Beach police spent months sifting through Epstein's trash and watching his waterfront home and Palm Beach International Airport to keep tabs on his private jet. An indictment charging Epstein, 53, was unsealed Monday, charging him with one count of felony solicitation of prostitution.

Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.

Police Chief Michael Reiter was so angry with State Attorney Barry Krischer's handling of the case that he wrote a memo

See EPSTEIN, 5B ▶

31E-MM-108062-6

Police kept watch on home, airport, sifted through trash

▶ EPSTEIN *from 1B*

suggesting the county's top prosecutor disqualify himself.

"I must urge you to examine the unusual course that your office's handling of this matter has taken and consider good and sufficient reason exists to require your disqualification from the prosecution of these cases," Reiter wrote in a May 1 memo to Krischer.

While not commenting specifically on the Epstein case, Mike Edmondson, spokesman for the state attorney, said his office presents cases other than murders to a grand jury when there are questions about witnesses' credibility and their ability to testify.

By the nature of their jobs, police officers look at evidence from a "one-sided perspective," Edmondson said. "A prosecutor has to look at it in a much broader fashion," weighing the veracity of witnesses and how they may fare under defense attorneys' questioning, he said.

Epstein's attorney, Jack Goldberger, said his client committed no crimes.

"The reports and statements in question refer to false accusations that were not charged because the Palm Beach County state attorney questioned the credibility of the witnesses," Goldberger said. A county grand jury "found the allegations wholly unsubstantiated and not credible," and that's why his client was not charged with sexual activity with minors, he said.

Goldberger said Epstein passed a lie detector test administered by a reputable polygraph examiner in which he said he did not know the girls were minors. Also, a search warrant served on Epstein's home found no evidence to corroborate the girls' allegations, Goldberger said.

According to police documents:

■ A Palm Beach Community College student said she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.

■ A 27-year-old woman who worked as Epstein's personal assistant also facilitated the liaisons, phoning the PBCC student to arrange for girls when Epstein was coming to town. And she escorted the girls upstairs when they arrived, putting fresh sheets on a massage table and placing massage oils nearby.

■ Police took sworn statements from five alleged victims and 17 witnesses. They contend that on three occasions, Epstein had sex with the girls.

The chief's letter

See the letter Palm Beach Police Chief Michael Reiter wrote to State Attorney Barry Krischer on the Epstein case.

PalmBeachPost.com

A money manager for the ultra-rich, Epstein was named one of New York's most eligible bachelors in 2003 by *The New York Post*. He reportedly hobnobs with the likes of former President Clinton, former Harvard University President Lawrence Summers and Donald Trump, and has lavish homes in Manhattan, New Mexico and the Virgin Islands.

He has contributed tens of thousands of dollars to Democratic Party candidates and organizations, including Sen. John Kerry's presidential bid, and the Senate campaigns of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

Goldberger is one of five attorneys Epstein has retained since he became the subject of an investigation, Edmondson said. Among the others: Alan Dershowitz, the well-known Harvard law professor and author, who is a friend of Epstein. Dershowitz could not be reached for comment.

Police said the woman who enlisted young girls for Epstein was Haley Robson, 20, of Royal Palm Beach. Robson has worked at an Olive Garden restaurant in Wellington and said she was a journalism major at Palm Beach Community College when she was questioned by police last October. She has an unlisted phone number and could not be reached for comment.

Robson said she met Epstein when, at age 17, a friend asked her if she would like to make money giving him a massage. She said she was driven to his five-bedroom, 7½-bath home on the Intracoastal Waterway, then escorted upstairs to a bedroom with a massage table and oils. Epstein and Robson were both naked during the massage, she said, but when he grabbed her buttocks, she said she didn't want to be touched.

Epstein said he'd pay her to bring him more girls — the younger the better, Robson told police. When she tried once to bring a 23-year-old woman to him, Epstein said she was too old, Robson said.

Robson, who has not been charged in the case, said she eventually brought six girls to Epstein who were paid $200 each time, Robson said. "I'm like a Heidi Fleiss," police quoted her as saying. The girls knew what to expect when they were taken to Epstein's home, Robson said. Give a massage — maybe naked — and allow some touching.

One 14-year-old girl Robson took to meet Epstein led police to start the investigation of him in March 2005. A relative of the girl called to say she thought the child had recently engaged in sex with a Palm Beach man. The girl then got into a fight with a classmate who accused her of being a prostitute, and she couldn't explain why she had $300 in her purse.

The girl gave police this account of her meeting with Epstein:

She accompanied Robson and a second girl to Epstein's house on a Sunday in February 2005. Once there, a woman she thought was Epstein's assistant told the girl to follow her upstairs to a room featuring a mural of a naked woman, several photographs of naked women on a shelf, a hot pink and green sofa and a massage table.

She stripped to her bra and panties and gave him a massage.

Epstein gave the 14-year-old $300 and she and the other girls left, she said. She said Robson told her that Epstein paid her $200 that day.

Other girls told similar stories. In most accounts, Epstein's personal assistant at the time, Sarah Kellen, now 27, escorted the girls to Epstein's bedroom.

Kellen, whose most recent known address is in North Carolina, has not been charged in the case.

Palm Beach police often conducted surveillance of Epstein's home, and at Palm Beach International Airport to see if his private jet was there, so they would know when he was in town. Police also arranged repeatedly to receive his trash from Palm Beach sanitation workers, collecting papers with names and phone numbers, sex toys and female hygiene products.

One note stated that a female could not come over at 7 p.m. because of soccer. Another said a girl had to work Sunday — "Monday after school?" And still another note contained the work hours of a girl, saying she leaves school at 11:30 a.m. and would come over the next day at 10:30 a.m.

Only three months before the police department probe began, Epstein donated $90,000 to the department for the purchase of a firearms simulator, said Jane Struder, town finance director. The purchase was never made. The money was returned to Epstein on Monday, she said.

Staff writers Andrew Marra and Tim O'Meilia and staff researcher Angelica Cortez contributed to this story.

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Police say lawyer tried to discredit teenage girls

By LARRY KELLER
Palm Beach Post Staff Writer

Famed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney's Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages, according to police reports.

The reports also state that another Epstein attorney agreed to a plea bargain that would have allowed Epstein to have no criminal record. His current attorney denies this happened.

And the documents also reveal that the father of at least one girl complained that private investigators aggressively followed his car, photographed his home and chased off visitors.

Police also talked to somebody who said she was offered money if she refused to cooperate with the Palm Beach Police Department probe of Epstein.

Epstein: His former attorney agreed to a plea bargain, police say.

The state attorney's office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls' credibility. The grand jury indicted Epstein, 53, on a single count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison.

Police believed there was probable cause to charge Epstein with the more serious crimes of unlawful sex acts with a minor and lewd and lascivious molestation. Police Chief Michael Reiter was so angry that he wrote State Attorney Barry Krischer a memo in May suggesting he disqualify himself from the case.

The case originally was going to be presented to the grand jury in February, but was postponed after Dershowitz produced information gleaned from the Web site myspace.com showing some of the alleged victims commenting on alcohol and marijuana use, according to the police report prepared by Detective Joseph Recarey.

Haley Robson, a 20-year-old Royal Palm Beach woman who told police she recruited girls for Epstein, also is profiled on myspace.com. Her page includes photos of her and her friends, including one

See EPSTEIN, 7B ▶

31E-MM-108062-7

Polygraph shows he didn't know girls' ages, lawyer says

▶ EPSTEIN *from 1B*

using the name "Pimpin' Made EZ." Robson, who was not charged in the case, is a potential prosecution witness.

According to Recarey, prosecutor Lanna Belohlavek offered Epstein attorneys Dershowitz and Guy Fronstin a plea deal in April. Fronstin, after speaking with Epstein, accepted the deal, in which Epstein would plead guilty to one count of aggravated assault with intent to commit a felony, be placed on five years' probation and have no criminal record. The deal also called for Epstein to submit to a psychiatric and sexual evaluation and have no unsupervised visits with minors, according to Recarey's report. The plea bargain was made in connection with only one of the five alleged victims, the report states.

Fronstin — who declined to comment on the case — was subsequently fired and veteran defense attorney Jack Goldberger was hired. He denies there was any agreement by any of Epstein's attorneys to a plea deal.

"We absolutely did not agree to a plea in this case," he said. Neither Belohlavek nor a state attorney's spokesman could be reached for comment.

The parent or parents of alleged victims who complained of being harassed by private investigators provided license tag numbers of two of the men. Police found the vehicles were registered to a private eye in West Palm Beach and another in Jupiter, according to Recarey's report.

"I have no knowledge of it," defense attorney Goldberger said.

The report also says a woman connected to the Epstein case was contacted by somebody who was still in touch with Epstein. That person told her she would be compensated if she didn't cooperate with police, Recarey's report says. Those who did talk "will be dealt with," the woman said she was told. Phone records show the woman talked with the person who allegedly intimidated her around the time she said, Recarey reported.

Phone records also show that the person said to have made the threat then placed a call to Epstein's personal assistant, who in turn called a New York corporation affiliated with Epstein, the report states.

The issue in the Epstein case is not whether females came to his waterfront home, but whether he knew their ages.

"He's never denied girls came to the house," Goldberger said. But when Epstein was given a polygraph test, "he passed on knowledge of age," the attorney said.

After the indictment against Epstein was unsealed this week, Police Chief Reiter referred the matter to the FBI. "We've received the referral, and we're reviewing it," said FBI spokeswoman Judy Orihuela in Miami.

The chief himself has come under attack from Epstein's lawyers and friends in New York, where he has a home. The *New York Post* quoted Epstein's prominent New York lawyer, Gerald Lefcourt, as saying his client was indicted only "because of the craziness of the police chief."

Reiter has declined to comment on the case.

Prosecutors have not presented a sex-related case like Epstein's to a grand jury before, said Mike Edmondson, spokesman for the state attorney's office. "That's what you do with a case that falls into a gray area," he said.

The state attorney's office did not recommend a particular criminal charge on which to indict Epstein, Edmondson said. The grand jury was presented with a list of charges from highest to lowest, then deliberated with the prosecutor out of the room, he said.

"People are surprised at the grand jury proceeding," West Palm Beach defense attorney Richard Tendler said. "It's a way for the prosecutor's office to not take the full responsibility for not filing the (charge), and not doing what the Palm Beach Police Department wanted. I think something fell apart with those underage witnesses."

Defense attorney Robert Gershman was a prosecutor for six years. "Those girls must have been incredible or untrustworthy, I don't know," he said.

Other attorneys said Epstein's case raises the issue of whether wealthy, connected defendants like Epstein — whose friends include former President Clinton and Donald Trump — are treated differently from others. Once he knew he was the subject of a criminal probe, Epstein hired a phalanx of powerful attorneys such as Dershowitz and Lefcourt, who is a past president of the National Association of Criminal Defense Lawyers.

Miami lawyer Roy Black — who became nationally known when he successfully defended William Kennedy Smith on a rape charge in Palm Beach — also was involved at one point.

Said defense attorney Michelle Suskauer: "I think it's unfortunate the public may get the perception that with power, you may be treated differently than the average Joe."

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 08/01/2006

To: Miami **Attn:** IMA/PB2

From: Miami
PB2/PBCRA
Contact: SA [redacted] b6 b7C

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To request the opening of sub-files in captioned case.

Details: It is requested that the following sub-files be opened to assist in document management in captioned case.

SUB - SDP to capture subpoena request.

SUB - FF to capture forfeiture related materials.

♦♦

213[redacted]01.EC

31E-MM-108062-8

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)
20B / The Palm Beach Post
West Palm Beach, FL
Date: 8/4/2006
Edition:

Title: He was over 50
And they were girls

Character
or
Classification: 31E-MM-108062
Submitting Office: MM

He was over 50. And they were girls

If the women whom Palm Beach police say a part-time town resident invited to his home and paid for sex acts were, in fact, *women*, the solicitation charge against Jeffrey Epstein might feel more sufficient. But, according to police records, they weren't. He was over 50. And they were girls.

Elisa Cramer

14.
15.
16.
17-year-old *girls*.

That should count for something — the difference between prostitution and pedophilia.

So, it is baffling that Mr. Epstein, who was indicted last month by a grand jury on one felony count of solicitation of prostitution, has not been charged, as Palm Beach police strenuously urged, with unlawful sex acts with a minor and lewd and lascivious molestation.

Conviction of crimes against minors would mean steeper penalties than the maximum five-year prison term Mr. Epstein faces if convicted of the single count of felony solicitation. It also would help carry a message of intolerance to perverts who prey on girls.

Prosecutors did not pursue charges against Mr. Epstein reflecting the age of the victims because they assumed a jury would view the girls not as victims but as promiscuous, untrustworthy, willing participants. The presumption is offensive.

Mr. Epstein, a 53-year-old Manhattan money manager who has hired Harvard law professor Alan Dershowitz and defense attorney Jack Goldberger, has denied knowing how old the girls were.

Jury should have decided if Epstein is a pedophile.

But police interviews with five alleged victims and 17 witnesses under oath, as well as phone messages, a high school transcript and other items that police found from searching Mr. Epstein's trash and 7,234-square-foot waterfront home, provide evidence that he knew the girls were teenagers.

One girl couldn't show up when Mr. Epstein wanted because she had soccer. Another time, Mr. Epstein had to wait for his "massage" session because the girl he wanted was still in class.

Why didn't State Attorney Barry Krischer let a jury decide whether to believe the teenagers — including a 16-year-old who went to Mr. Epstein's house to "work" in December 2004 after being asked whether she needed to make money for Christmas gifts?

Prosecutors gave greater weight to the details Mr. Dershowitz provided about the girls in an apparent effort to assail their character. Mr. Dershowitz pointed out to prosecutors that some of the teenagers had talked on myspace.com about marijuana and alcohol use.

The 20-year-old Royal Palm Beach woman who told police she recruited girls for Mr. Epstein has a Web page on myspace.com that features one girl using the name "Pimpin' Made EZ."

Although no charges of witness tampering have been filed, the parents of at least one of the teenage victims complained to police of being followed and intimidated by two men. Police determined that their vehicles were registered to two private investigators. Mr. Goldberger denied knowing anything about it.

Police also note in their reports that the state attorney's office offered Mr. Epstein a plea deal that would have placed him on probation for five years, allowing him ultimately to walk away with no criminal record at all.

I asked Mr. Krischer's spokesman, Mike Edmondson, why the case was referred to a grand jury instead of Mr. Epstein being charged and facing a trial before a jury. And shouldn't the victims' credibility be a factor to determine whether a crime's been committed, not whether a jury will convict? (After all, as Mr. Goldberger told *The Palm Beach Post* of Mr. Epstein, "He's never denied girls came to the house.")

Especially, I asked Mr. Edmondson to explain: Why shouldn't the public look at this case and think there are two kinds of justice — one for the wealthy and one for the rest of us?

Mr. Edmondson said he could not comment on the case because it is active, but on the latter point, he offered, for the sake of "philosophical debate": "Whether wealth buys a different standard of justice across the country ... the answer to that would, of course, be yes."

But in this case, he said, "regardless of the battery of attorneys, the outcome would be the same. Every issue that was debated in public was debated in our office before this case went to the grand jury."

In this case, it is not the victims' credibility but the state attorney's that deserves questioning.

Elisa Cramer is an editorial writer for The Palm Beach Post. *Her e-mail address is elisa_cramer@pbpost.com*

8/4/06
EC

31E-HQ-108062
-9

FD-919 (Rev. 06-05-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 08/08/2006

To: Miami

From: Miami
PB2/Palm Beach County Resident Agency
Contact: [redacted]

Approved By: [redacted] b6 b7C

Drafted By:

Case ID #: 31E-MM-108062 (Pending)
188B-MM-105207-C (Pending)

Title: VICTIM NOTIFICATION FORM

Synopsis: To document victim information. Please refer to the Victim Notification System for the additional pertinent information on the following victims: [redacted]

Reference: 31E-MM-108062 Serial 1

Details:

VnsCase#: 31E-MM-108062
CAgtName: [redacted]
PContact:
BusName :
BusEIN :
BusAcct :
VicFirN :
VicMidN :
VicLastN:
SSAN :
VicDate :
VicDOD :
VicMinor:
DOB :
Race :
Sex :

b6 b7C

220[redacted]01.919

31E-MM-108062-10

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)
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West Palm Beach, FL
Date: 8/5/2006
Edition:

Title: ExpertL Ignorance of age isn't defense in sex cases

Character or Classification: 31E-MM-108062
Submitting Office: MM

Indexing:

Expert: Ignorance of age isn't defense in sex cases

By LARRY KELLER
Palm Beach Post Staff Writer

Even if Palm Beach money manager Jeffrey Epstein didn't know that girls who police say gave him sexual massages at his Intracoastal home were under the legal age, that alone wouldn't have exempted him from criminal charges of sexual activity with minors.

"Ignorance is not a valid defense," said Bob Dekle, a legal skills professor who was a Lake City prosecutor for nearly 30 years, half of that time specializing in sex crimes against children.

"There is no knowledge element as far as the age is concerned," Dekle said.

After an 11-month investigation, Palm Beach police said there was probable cause to charge Epstein, 53, with unlawful sex acts with a minor and lewd and lascivious molestation. They contend that Epstein — friend of the rich and famous and financial patron of Democratic Party organizations and candidates — committed those acts with five underage girls.

Epstein: Two politicians have returned donations since he was charged with soliciting minors.

In the past week, New York Attorney General and gubernatorial candidate Eliot Spitzer has returned about $50,000 in campaign contributions he received from Epstein, and Mark Green, a candidate to replace Spitzer in

See EPSTEIN, 5B ▶

31E-MM-108062-11

Lawyer: Jurors often believe adults over kids

▶ EPSTEIN *from 1B*

his current job, has returned $10,000 to him because of the Palm Beach scandal, the *New York Daily News* has reported.

Rather than file charges, the state attorney's office presented the case to a county grand jury. The panel indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution.

The case raised eyebrows because the state attorney's office rarely, if ever, kicks such charges to a grand jury. And it increases the difficulty of prosecuting child sex abuse cases, especially when the defendant is enormously wealthy and can hire high-priced, top-tier lawyers.

At least one of Epstein's alleged victims told police he knew she was underage when the two of them got naked for massages and sexual activity. She was 16 years old at the time and said Epstein asked her questions about her high school, according to police reports.

A girl who said she met Epstein when she was 15 said he told her if she told anybody what happened at his house, bad things could happen, the police reports state.

Epstein's youngest alleged victim was 14 when she says she gave him a massage that included some sexual activity. She is now 16. The girl's father says he doesn't know whether she told Epstein her age.

"My daughter has kept a lot of what happened from me because of sheer embarrassment," he said. "But she very much looked 14. Any prudent man would have had second thoughts about that."

Defense attorney Jack Goldberger maintains that not only did Epstein pass a polygraph test showing he did not know the girls were minors, but their stories weren't credible. The state attorney's office also implied that their credibility was an issue when it decided not to charge Epstein directly, but instead give the case to the grand jury.

"A prosecutor has to look at it in a much broader fashion," a state attorney's spokesman said last week.

Epstein hired Harvard law Professor Alan Dershowitz when he became aware he was under investigation, and Dershowitz gave prosecutors information that some of the alleged victims had spoke of using alcohol and marijuana on a popular Web site, according to a Palm Beach police report.

Prosecutors typically consider two things in deciding whether to charge somebody with sex-related offenses against minors — whether there is sufficient evidence and whether there is a public interest in doing so, Dekle said.

Child sex abuse cases often are difficult to prosecute, an attorney says.

If two teens are in a sexual relationship and the boy turns 18 before the girl, he could be charged with a sex crime if the sex continues. There would be no public interest in pursuing that, Dekle said.

But where there is a large gap in ages — and especially in cases of teachers with students — there is a public interest in prosecuting, he said. Likewise if the accused has a track record of sex with minors.

Still there is a "universal constant" in prosecuting these cases, Dekle said. Men who exploit underage children for sex often carefully choose their victims in ways that will minimize the risk to them, he said.

Victims usually are from a lower social status, and they may suffer from psychological problems, Dekle said.

"Lots of child sexual abuse victims have been victimized by multiple people over a period of time. Then the act of abuse produces behavior in the victims that further damages their credibility." Examples include promiscuous behavior and drug abuse.

Some of the alleged victims in the Epstein case returned to his home multiple times for the massage sessions and the $200 to $300 he typically paid them per visit. "That would be a definite problem for the prosecutor," said Betty Resch, who prosecuted crimes against children in Palm Beach County for five years and now is in private practice in Lake Worth.

"The victim becomes less sympathetic" to a jury, Resch said. "But she's a victim nevertheless. She's a kid."

Most men charged with sex crimes against minors look normal, Dekle said. A jury expecting to see a monster seldom will. And the victims' ages work against them and in favor of the defendant in a trial, Dekle said.

If a child and an adult tell different stories and both swear they're telling the truth, adult jurors are more likely to believe the adult, Dekle said.

"You have all these things working against you in a child sex abuse case. Prosecutors normally try to be very careful in filing those cases because they know what they're getting into. There is no such thing as an iron-clad child sexual abuse case."

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FD-350 (Rev. 5-8-81)

Palm Beach chief focus of fire in Epstein case

Defendant's lawyers take him on; he slams state attorney

By LARRY KELLER
Palm Beach Post Staff Writer

In the case of Palm Beach financier Jeffrey Epstein, it seems, at times, as if two men are accused of wrongdoing: Epstein and Palm Beach Police Chief Michael Reiter.

Epstein, 53, was indicted last month on a charge of felony solicitation of prostitution solely because of Reiter's "craziness," one of Epstein's lawyers said. His department disseminated "a distorted view of the case" and behaved in a "childish" manner when the grand jury didn't indict Epstein on the charges it sought, another Epstein lawyer complained.

To hear the Epstein camp tell it, Reiter, 48, is a loose cannon better suited to be the sheriff of Mayberry. They whisper that he's embroiled in a messy divorce.

Reiter did in fact file for divorce from his wife, Jill, last year, after 24 years of marriage. They have a son, 18, and a daughter, 14. The couple is scheduled to go to mediation Wednesday. Nothing in the court file suggests their split is particularly ugly.

Reiter incurred the wrath of the Epstein camp as well as the state attor-

See REITER, 7B ▶

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31E-MM-108062-12

Colleagues cite chief's professionalism, integrity

▶ REITER *from 1B*

ney's office for two reasons. First, he pressed for Epstein to be charged with the more serious crimes of sexual activity with minors. Second, he slammed State Attorney Barry Krischer in blunt language seldom used by one law-enforcement official concerning another because of what he perceived as that office's mishandling of the case.

In a letter to Krischer written May 1, Reiter called his actions in the Epstein case "highly unusual." He added, "I must urge you to . . . consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases."

In short, Reiter told the county's top prosecutor for the past 13 years that he ought to get off the case. "It looks like a departure from professionalism," Miami-Dade State Attorney Katherine Fernandez Rundle said of Reiter's letter.

Following Epstein's indictment, Reiter referred the case to the FBI to determine whether the super-rich, super-connected defendant had violated any federal laws.

Reiter won't discuss the case or the broadsides aimed at him. But others almost uniformly use one word to describe the chief: professional.

"I have always been impressed by Mike's professionalism and his leadership," said Rick Lincoln, chief of the Lantana Police Department and a Palm Beach County cop for 32 years.

"The town of Palm Beach has a very professional police department. We all consider Mike to be our peer and a man of integrity."

Reiter: Town Manager Peter Elwell says the Palm Beach police chief's well worth his $144,000 salary.

Juno Beach Police Chief H.C. Clark II agreed. Although he doesn't know Reiter well, he has met with him on countywide law enforcement issues. "I've never seen him lose his cool. I've never seen anything but a professional demeanor from him."

Reiter joined the Palm Beach Police Department in 1981, leaving a $20,000-a-year patrol job at the University of Pittsburgh. His personnel jacket shows consistently excellent job evaluations.

Posh Palm Beach is no hotbed of crime, and in his first year on the job, a resident confined to his home with a sick child thanked Reiter for delivering a few Cokes to the house. Reiter refused payment for the beverages. Another resident thanked Reiter for shutting off his car's headlights in his driveway, saying a valet must have been at fault.

Reiter worked everything from road patrol to organized crime, vice and narcotics. And he's no novice at investigations involving the island's rich and famous. He was the lead detective probing the drug overdose death of David Kennedy in 1984. He also was one of the officers who worked the investigation of William Kennedy Smith, who was charged in 1991 — and later acquitted — with raping a woman at the Kennedy family compound in Palm Beach.

Reiter, who has a master's degree in human resource development from Palm Beach Atlantic University, also has attended the FBI National Academy in Quantico, Va., and management courses at Harvard. He's been active in countywide interagency law enforcement organizations and has a "top secret" national security clearance.

"He has a perspective that's broader than just addressing the needs of the town," said Town Manager Peter Elwell, who promoted Reiter from assistant chief to chief in March 2001. Reiter makes more than $144,000 as the town's top cop. Elwell thinks he's worth it.

"He's very businesslike, very straightforward. He's not easily agitated or flamboyant. He's about the work," Elwell said. "I think that his service as chief has been outstanding in five-plus years."

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(Indicate page, name of newspaper, city and state.)
1A / 6A / The Palm Beach Post
West Palm Beach, FL

Mount Clipping in Space Below)

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Title: The man who had everything

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Submitting Office: MM

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The man who had everything

Epstein's Palm Beach mansion at 358 El Brillo Way.

Jeffrey Epstein craved big homes, elite friends and, investigators say, underage girls

By ANDREW MARRA, Palm Beach Post Staff Writer

31E-MM-108062-13

Jeffrey Epstein has donated more than $100,000 to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

WINGED GARGOYLES guarded the gate at Jeffrey Epstein's Palm Beach mansion. Inside, hidden cameras trolled two rooms, while the girls came and went.

For the police detectives who sifted through the garbage outside and kept records of visitors, it was the lair of a troubling target.

Epstein, one of the most mysterious of the country's mega-rich, was known as much for his secrecy as for his love of fine things: magnificent homes, private jets, beautiful women, friendships with the world's elite.

But at Palm Beach police headquarters, he was becoming known for something else: the regular arrival of teenage girls he hired to give him massages and, police say, perform sexual favors.

Epstein was different from most sexual abuse suspects; he was far more powerful. He counted among his friends former President Bill Clinton, Donald Trump and Prince Andrew, along with some of the most prominent legal, scientific and business minds in the country.

When detectives started

See EPSTEIN, 6A ▶

Epstein's mysterious lifestyle began to unravel after claims of sexual activity with minors.

A life of luxury and secrecy

TINA FINEBERG/The Associated Press

Jeffrey Epstein's Manhattan townhouse dominates a block on the Upper East Side. Thought to be the largest private residence in Manhattan, it is reported to have closed-circuit television and a heated sidewalk to melt fallen snow.

Powerful legal team stymies detectives

Women in his life

Ghislaine Maxwell, a fixture at elite parties and the intensely private daughter of a media tycoon, dated Epstein in the 1990s.

'I'm like a Heidi Fleiss.' [redacted] told police she took at least six girls to visit Epstein, all between the ages of 14 and 16.

PalmBeachPost.com

Read previous stories on the Epstein investigation.

▶ EPSTEIN *from 1A*

asking questions and teenage girls started talking, a wave of legal resistance followed.

If Palm Beach police didn't know quite who Jeffrey Epstein was, they found out soon enough.

Epstein, now 53, was a quintessential man of mystery. He amassed his fortune and friends quietly, always in the background as he navigated New York high society.

When he first attracted notice in the early 1990s, it was on account of the woman he was dating: Ghislaine Maxwell, daughter of the late British media tycoon Robert Maxwell.

In a lengthy article, headlined "The Mystery of Ghislaine Maxwell's Secret Love," the British *Mail on Sunday* tabloid laid out speculative stories that the socialite's beau was a CIA spook, a math teacher, a concert pianist or a corporate headhunter.

"But what is the truth about him?" the newspaper wondered. "Like Maxwell, Epstein is both flamboyant and intensely private."

The media frenzy did not begin in full until a decade later. In September 2002, Epstein was flung into the limelight when he flew Clinton and actors Kevin Spacey and Chris Tucker to Africa on his private jet.

Suddenly everyone wanted to know who Epstein was. *New York* magazine and *Vanity Fair* published lengthy profiles. The *New York Post* listed him as one of the city's most eligible bachelors and began describing him in its gossip columns with adjectives such as "mysterious" and "reclusive."

Although Epstein gave no interviews, the broad strokes of his past started to come into focus.

Building a life of extravagance

He was born blue-collar in 1953, the son of a New York City parks department employee, and raised in Brooklyn's Coney Island neighborhood. He left college without a bachelor's degree but became a math teacher at the prestigious Dalton School in Manhattan.

The story goes that the father of one of Epstein's students was so impressed with the man that he put him in touch with a senior partner at Bear Stearns, the global investment bank and securities firm.

In 1976, Epstein left Dalton for a job at Bear Stearns. By the early 1980s, he had started J. Epstein and Co. That is when he began making his millions in earnest.

Little is known or said about Epstein's business except this: He manages money for the extremely wealthy. He is said to handle accounts only of $1 billion or greater.

It has been estimated he has roughly 15 clients, but their identities are the subject of only speculation. All except for one: Leslie Wexner, founder of The Limited retail chain and a former Palm Beacher who is said to have been a mentor to Epstein.

Wexner sold Epstein one of his most lavish residences: a massive townhouse that dominates a block on Manhattan's Upper East Side. It is reported to have, among its finer features, closed-circuit television and a heated sidewalk to melt away fallen snow.

That townhouse, thought to be the largest private residence in Manhattan, is only a piece of the extravagant world Epstein built over time.

In New Mexico, he constructed a 27,000-square-foot hilltop mansion on a 10,000-acre ranch outside Santa Fe. Many believed it to be the largest home in the state.

In Palm Beach, he bought a waterfront home on El Brillo Way. And he owns a 100-acre private island in the Virgin Islands.

Perhaps as remarkable as his lavish homes is his extensive network of friends and associates at the highest echelons of power. This includes not only socialites but also business tycoons, media moguls, politicians, royalty and Nobel Prize-winning scientists whose research he often funds.

"Just like other people collect art, he collects scientists," said Martin Nowak, who directs the Program for Evolutionary Dynamics at Harvard University and was reportedly the recipient of a $30 million research donation from Epstein.

Epstein is said to have befriended former Harvard President Larry Summers, prominent law Professor Alan Dershowitz, Donald Trump and *New York Daily News* Publisher Mort Zuckerman.

And yet he managed for decades to maintain a low profile. He avoids eating out and was rarely photographed.

"The odd thing is I never met him," said Dominick Dunne, the famous chronicler of the trials and tribulations of the very rich. "I wasn't even aware of him," except for a *Vanity Fair* article.

Epstein's friendship with Clinton has attracted the most attention.

Epstein met Clinton as early as 1995, when he paid tens of thousands of dollars to join him at an intimate fund-raising dinner in Palm Beach. But from all appearances, they did not become close friends until after Clinton left the Oval Office and moved to New York.

Epstein has donated more than $100,000 to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Rodham Clinton, Christopher Dodd and Charles Schumer.

Powerful friends and enemies

A *Vanity Fair* profile found cracks in the veneer of Epstein's life story. The 2003 article said he left Bear Stearns in the wake of a federal probe and a possible Securities and Exchange Commission violation. It also pointed out that Citibank once sued him for defaulting on a $20 million loan.

The article suggested that one of his business mentors and previous employers was Steven Hoffenberg, now serving a prison term after "bilking investors out of more than $450 million in one of the largest Ponzi schemes in American history."

As he amassed his wealth, Epstein made enemies in disputes both large and small. He sued the man who in 1990 sold him his multimillion-dollar Palm Beach home over a dispute about less than $36,000 in furnishings.

ırmer friend claimed Epstein ed out of a promise to reimburse him hundreds of thousands of dollars after their failed investment in Texas oil wells. A judge decided Epstein owed him nothing.

"It's a bad memory. I would rather not have ever met Jeffrey Epstein," said Michael Stroll, the retired former president of Williams Electronics and Sega Corp. "Suffice it to say I have nothing good to say about him."

Among the characteristics most attributed to Epstein is a penchant for women.

He has been linked to Maxwell, a fixture on the high-society party circuits in both New York and London. Previous girlfriends are said to include a former Ms. Sweden and a Romanian model.

"He's a lot of fun to be with," Donald Trump told *New York* magazine in 2002. "It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it, Jeffrey enjoys his social life."

Investigation leads to Epstein

Although he was not a frequenter of the Palm Beach social scene, he made his presence felt. Among his charitable donations, he gave $90,000 to the Palm Beach Police Department and $100,000 to Ballet Florida.

In Palm Beach, he lived in luxury. Three black Mercedes sat in his garage, alongside a green Harley-Davidson. His jet waited at a hangar at Palm Beach International Airport. At home, a private chef and a small staff stood at the ready. From a window in his mansion, he could look out on the Intracoastal Waterway and the West Palm Beach skyline. He seemed to be a man who had everything.

But extraordinary wealth can fuel extraordinary desires.

In March 2005, a worried mother contacted Palm Beach police. She said another parent had overheard a conversation between their children.

Now the mother was afraid her 14-year-old daughter had been molested by a man on the island.

The phone call triggered an extensive investigation, one that would lead detectives to Epstein but leave them frustrated.

Palm Beach police and the state attorney's office have declined to discuss the case. But a Palm Beach police report detailing the criminal probe offers a window into what detectives faced as they sought to close in on Epstein.

Detectives interviewed the girl, who told them a friend had invited her to a rich man's house to perform a massage. She said the friend told her to say she was 18 if asked. At the house, she said she was paid $300 after stripping to her panties and massaging the man while he masturbated.

Police interview 5 alleged victims

The investigation began in full after the girl identified Epstein in a photo as the man who had paid her. Police arranged for garbage trucks to set aside Epstein's trash so police could sift through it. They set up a video camera to record the comings and goings at his home. They monitored an airport hangar for signs of his private jet's arrivals and departures.

They quickly learned that the woman who took the 14-year-old girl to Epstein's house was Haley Robson, a Palm Beach Community College student from Loxahatchee. In a sworn statement at police headquarters, Robson, then 18, admitted she had taken at least six girls to visit Epstein, all between the ages of 14 and 16. Epstein paid her for each visit, she said.

During the drive back to her house, Robson told detectives, "I'm like a Heidi Fleiss."

Police interviewed five alleged victims and 17 witnesses. Their report shows some of the girls said they had been instructed to have sex with another woman in front of Epstein, and one said she had direct intercourse with him.

In October, police searched the Palm Beach mansion. They discovered photos of naked, young-looking females, just as several of the girls had described in interviews. Hidden cameras were found in the garage area and inside a clock on Epstein's desk, alongside a girl's high school transcript.

Two of Epstein's former employees told investigators that young-looking girls showed up to perform massages two or three times a day when Epstein was in town.

They said the girls were permitted many indulgences. A chef cooked for them. Workers gave them rides and handed out hundreds of dollars at a time.

One employee told detectives he was told to send a dozen roses to one teenage girl after a high school drama performance. Others were given rental cars. One, according to police, received a $200 Christmas bonus.

The cops moved to cement their case. But as they tried to tighten the noose, they encountered other forces at work.

In Orlando they interviewed a possible victim who told them nothing inappropriate had happened between her and Epstein. They asked her whether she had spoken to anyone else. She said yes, a private investigator had asked her the same questions.

When they subpoenaed one of Epstein's former employees, he told them the same thing. He and a private eye had met at a restaurant days earlier to go over what the man would tell investigators.

Detectives received complaints that private eyes were posing as police officers. When they told Epstein's local attorney, Guy Fronstin, he said the investigators worked for Roy Black, the high-powered Miami lawyer who has defended the likes of Rush Limbaugh and William Kennedy Smith.

While the private eyes were conducting a parallel investigation, Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls. From their own profiles on the popular Web site MySpace.com, he obtained copies of their discussions about their use of alcohol and marijuana.

He took his research to a meeting with prosecutors in early 2006, where he sought to cast doubt on the teens' reliability.

The private eyes had dug up

enough dirt on the girls to make prosecutors skeptical. Not only did some of the girls have issues with drugs or alcohol but also some had criminal records and other troubles, Epstein's legal team claimed. And at least one of them, they said, lied when she told police she was younger than 18 when she started performing massages for Epstein.

After the meeting, prosecutors postponed their decision to take the case to a grand jury.

In the following weeks, police received complaints that two of the victims or their families had been harassed or threatened. Epstein's legal team maintains that its private investigators did nothing illegal or unethical during their research.

By then, relations between police and prosecutors were fraying. At a key meeting with prosecutors and the defense, Detective Joseph Recarey, the lead investigator, was a no-show, according to Epstein's attorney.

"The embarrassment on the prosecutor's face was evident when the police officer never showed up for the meeting," attorney Jack Goldberger said.

Later in April, Recarey walked into a prosecutor's office at the state attorney's office and learned the case was taking an unexpected turn.

The prosecutor, Lanna Belohlavek, told Recarey the state attorney's office had offered Epstein a plea deal that would not require him to serve jail time or receive a felony conviction.

Recarey told her he disapproved of the plea offer.

The deal never came to pass, however.

Future unclear after charge

On May 1, the department asked prosecutors to approve warrants to arrest Epstein on four counts of unlawful sexual activity with a minor and to charge his personal assistant, Sarah Kellen, now 27, for her alleged role in arranging the visits. Police officials also wanted to charge Robson, the self-described Heidi Fleiss, with lewd and lascivious acts.

By then, the department was frustrated with the way the state attorney's office had handled the case. On the same day the warrants were requested, Palm Beach Police Chief Michael Reiter wrote a letter to State Attorney Barry Krischer suggesting he disqualify himself from the case if he would not act.

Two weeks later, Recarey was told that prosecutors had decided once again to take the case to the grand jury.

It is not known how many of the girls testified before the grand jury. But Epstein's defense team said one girl who was subpoenaed — the one who said she had sexual intercourse with Epstein — never showed up.

The grand jury's indictment was handed down in July. It was not the one the police department had wanted.

Instead of being slapped with a charge of unlawful sexual activity with a minor, Epstein was charged with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was booked into the Palm Beach County Jail early July 23 and released hours later.

Epstein's legal team "doesn't dispute that he had girls over for massages," Goldberger said. But he said their claims that they had sexual encounters with him lack credibility.

"They are incapable of being believed," he said. "They had criminal records. They had accusations of theft made against them by their employers. There was evidence of drug use by some of them."

What remains for Epstein is yet to be seen.

The Palm Beach Police Department has asked the FBI to investigate the case. It also has returned the $90,000 Epstein donated in 2004.

In New York, candidates for governor and state attorney general have vowed to return a total of at least $60,000 in campaign contributions from Epstein. Meanwhile, Epstein's powerful friends have remained silent as tabloids and Internet blogs feast on the public details of the police investigation.

Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"He will recover from this," he said.

Staff writer Larry Keller and staff researchers Bridget Bulger, Angelica Cortez, Amy Hanaway and Melanie Mena contributed to this story.

andrew_marra@pbpost.com

FD-350 (Rev. 5-8-81)

Epstein camp calls female accusers liars

By LARRY KELLER
Palm Beach Post Staff Writer

Attorneys and publicists for Palm Beach financier Jeffrey Epstein went on the offensive Monday, contending that teenage girls who have accused Epstein of sexual shenanigans at his waterfront home are liars and saying that the Palm Beach Police Department is "childish."

"There never was any sex between Jeffrey Epstein and any underage women," his lead attorney, Jack Goldberger, said from Idaho where he was vacationing with his family.

Epstein

Epstein did have young women come to his house to give him massages, Goldberger said. "Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18. How he verified that, I don't know. The question is, did anything illegal occur. The law was not violated here."

He had no explanation as to why Epstein would pay girls or women with no massage training — as the alleged victims said was the case — $200 to $300 for their visits. "The credibility of these witnesses has been seriously questioned," Goldberger said.

Epstein, 53, was indicted by a county grand jury last month on a charge of felony solicitation of prostitution. After an 11-month investigation that included sifting through Epstein's trash and surveilling his home, Palm Beach police concluded there was enough evidence to charge him with sexual activity with minors. When the grand jury indicted Epstein on the less serious charge, Police Chief Michael Reiter referred the case to the FBI to determine whether there were federal law violations.

After a spate of stories about the case last week, New York publicist Dan Klores — whose client list has included Paris Hilton and Jennifer Lopez — said on Saturday that Epstein's camp was ready "to get their story out."

See EPSTEIN, 9B ▶

'Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18.'
JACK GOLDBERGER, Epstein's lead attorney

(Indicate page, name of newspaper, city and state.)
1B / 9B / The Palm Beach Post
West Palm Beach, FL
Date: 8/8/2006
Edition:

Title: Epstein camp calls female accusers liars

Character or
Classification: 31E-MM-108062
Submitting Office: MM

Indexing:

3/8/06

31E-MM-108062-16

Attorney: Police gave media 'distorted view'

▶ EPSTEIN *from 1B*

They did that Monday via Goldberger and a Los Angeles publicist for Miami criminal defense attorney Roy Black, who also has represented Epstein in the case.

"We just think there has been a distorted view of this case in the media presented by the Palm Beach police," Goldberger said.

Reiter has consistently declined to comment on the case and did not respond to a request for comment Monday.

The implication that State Attorney Barry Krischer was easy on Epstein by presenting the case to a grand jury rather than filing charges directly against him is wrong, Goldberger said.

The Palm Beach Police Department was "happy and ecstatic" that the panel was going to review the evidence. "I think what happened is they weren't happy with the result. They decided to use the press to embarrass Mr. Epstein."

But records show that Reiter wrote Krischer on May 1 — well before the case went to the grand jury — suggesting that Krischer "consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases."

Rather than flat-out decline to charge Epstein, Krischer referred the case to the grand jury to "appease" the chief, Goldberger said.

A state attorney's spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses' credibility.

Both the state attorney and the grand jury concluded there was not sufficient evidence that Epstein had sex with minors, according to Goldberger. "It was just a childish performance by the Palm Beach Police Department," Goldberger said.

The defense attorney said one of the alleged victims who claimed she was a minor was in fact over the age of 18. Another alleged victim who was subpoenaed to testify to the grand jury failed to do so. Epstein's accusers, he added, have histories of drug abuse and thefts. "These women are liars. We've established that."

But why would they all invent their stories about meeting Epstein for sexual massages?

"I don't have an answer as to what was the motivation for these women to come forward and make these allegations," Goldberger said.

larry_keller@pbpost.com

Epstein investigation

Read a letter from Palm Beach Police Chief Michael Reiter to State Attorney Barry Krischer on the Epstein probe.

PalmBeachPost.com

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/13/2006

To: Miami **Attn:** SSA [redacted]
Miami-FIG SIA

From: Miami
Squad PB-2, PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

b6
b7C

Synopsis: To request analytical assistance regarding telephone toll records.

Enclosure(s): 1) A CDrom containing Cingular telephone toll records for [redacted], cellular telephone [redacted]
2) Hard copies of [redacted] Cingular telephone toll records from the dates of March 2005 to December 2005. (not included on CDrom.
2) A list of all identified (561) area code telephone numbers, primarily those of the underage victims.

Details: An ongoing federal investigation has revealed that [redacted]

Enclosed for analytical review are the 2004 and 2005 cellular toll records for [redacted], cellular number [redacted] It is requested to ascertain [redacted] over the two year period. The primary focus should be on the identification and

261[redacted]01.ec
31E-MM-108062-17

frequency of the (561) area code numbers listed on [redacted] toll records. b6 b7C

Please contact SA [redacted] at [redacted] should any further information be needed.

♦♦

HOUSE_OVERSIGHT_018938

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/14/2006

To: Miami

From: Miami
PB-2/West Palm Beach RA
Contact: SA [redacted]

b6
b7C

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: [redacted] (Pending Inactive) b7A
9A-MM-106548 (Pending)
9B-MM-106812 (Pending)
31E-MM-106675 (Pending)
31E-MM-107146 (Pending)
31C-MM-107200 (Pending)
62D-MM-107021 (Pending)
164C-MM-107620 (Pending)
305C-MM-106925 (Pending)
305C-MM-107468 (Pending)
305D-MM-106828 (Pending)
305D-MM-107072 (Pending)

Title: Case update.

Synopsis: Delayed Investigation.

Details: For information of the file, investigation in this matter has been delayed due to writer's assignment to a kidnaping investigation (7A-MM-107268) since 1/17/2006.

♦♦

62D-MM-107021-2

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

Billionaire faces charge of solicitation of minors

MONDAY: Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department. An indictment was unsealed that charged Epstein, 53, with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was released on $3,000 bond. Epstein's attorney, Jack Goldberger, said his client, a money manager for the wealthy, committed no crimes and passed a lie detector test in which he said he did not know the girls were minors.

Epstein

(Indicate page, name of newspaper, city and state.)

Date: 07/30/2006
Edition: PALM BEACH POST

Title: BILLIONAIRE FACES CHARGE OF SOLICITATION OF MINORS

Character: 31E-MM-108062
or
Classification:
Submitting Office:

Indexing:

b6
b7C

31E - MM - 108062 - 18

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/18/2006

To: [redacted] **Attn:** Crimes Against Children
SSA [redacted]
Squad C-20

b6
b7C

From: Miami
PB2/PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To set lead for captioned investigation.

Enclosure(s): One Grand Jury Subpoena for [redacted]

b3

Details: On 07/24/2006 the Federal Bureau of Investigation (FBI), Palm Beach County Resident Agency (PBCRA), opened an investigation involving multi-millionaire Jeffery Epstein and captioned subjects. The investigation involves [redacted]. In addition to Palm Beach, Epstein maintains residences in New York, U.S. Virgin Islands and New Mexico.

b6
b7C

Epstein was born 01/20/1953 and raised in Coney Island. He graduated from Lafayette High School in Brooklyn. The investigation has revealed that he took some classes in physics at Cooper Union from 1969 to 1971. He left Cooper Union in 1971 and attended NYU's Courant Institute, where he took courses in mathematical physiology of the heart, leaving that school too, without a degree. Between 1973 and 1975, Epstein taught calculus and physics at the Dalton School in Manhattan. In 1976, Epstein left Dalton for a job at Bear Stearns, a global investment bank and securities firm.

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261[redacted]01.EC

31E-MM-108062-19

To: [redacted] From: Miami
Re: 31E-MM-108062, 09/18/2006

FBI Miami, PBCRA, request [redacted] b3

Any questions or concerns contact SA [redacted] Miami Division, PBCRA, [redacted] b6 b7C

Epstein's biographical information is the following:

Name	Jeffrey E. Epstein
DOB	01/20/1953
SSAN	[redacted]-3348
Hair	Grey
Eyes	Blue
Height	6'0
Weight	175 lbs

HOUSE_OVERSIGHT_018942

To: [redacted] From: Miami
Re: 31E-MM-108062, 09/18/2006

LEAD(s):

Set Lead 1: (Action)

[redacted] b3

It is requested that FBI [redacted]. In addition, if needed, serve the enclosed subpoena.

♦♦

HOUSE_OVERSIGHT_018943

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 06/21/07 Time: 14:03

Case ID: 31E-MM-108062 Serial: 20

Description of Document:

Type : OTHER
Date : 09/21/06
To : [redacted] b3
From : US DIST COURT
Topic: EXECUTED FGJ SUBPOENA

Reason for Permanent Charge-Out:

transfer to subpoena sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 62

Employee: [redacted] b6 b7C

31E-MM-108062-20

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 10/17/2006

To: Miami **Attn:** SA [redacted]
PB2/PBCRA

b6
b7C

From: [redacted]
Squad C-20
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending) -25

Title: JEFFREY EPSTEIN;
[redacted]
WSTA- CHILD PROSTITUTION

Synopsis: Lead covered for captioned investigation; Grand Jury subpoena served [redacted] b3

Reference: 31E-MM-108062 Serial 19

Enclosure(s): Enclosed for Miami is the server copy of the referenced Grand Jury subpoena issued by the United States District Court, Southern District of Florida on 10/06/2006 and served [redacted] on 10/16/2006.

Details: On 10/16/2006, SA [redacted] received from SA [redacted], via Federal Express delivery service, the referenced Grand Jury subpoena. On that date, SA [redacted] and SA [redacted] went to [redacted] b3 b6 b7C

[redacted] accepted service of the Grand Jury subpoena, the Appearance Notice, the Certification of Business Records and Appendix A, (Document Inventory). [redacted] then contact SA [redacted] at the telephone number provided on the Grand Jury subpoena. [redacted] was directed to do so prior to 10/20/2006, and was told that if she did not provide the records described in

31E-MM-108062-25

b3

the subpoena, she would be required to appear at the United States District Courthouse located at 701 Clematis Street, West Palm Beach, Florida.

At this time, no further action will be taken by the [redacted] in this matter. Lead is covered.

♦♦

HOUSE_OVERSIGHT_018946

United States District Court

SOUTHERN DISTRICT OF FLORIDA

TO: [redacted]

b3

SUBPOENA TO TESTIFY BEFORE GRAND JURY

FGJ 05-02(WPB)-Fri./No. OLY-19

SUBPOENA FOR:

[ ] **PERSON** [X] **DOCUMENTS OR OBJECT[S]**

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:	ROOM:
United States District Courthouse 701 Clematis Street West Palm Beach, Florida 33401	Room 4-A
	DATE AND TIME: October 20, 2006 9:00am

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

[redacted]

b3

Please coordinate your compliance of this subpoena and confirm the date and time of your appearance with Special Agent [redacted] Federal Bureau of Investigation, Telephone: [redacted]

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK	DATE:
(BY) DEPUTY CLERK	October 6, 2006

b6
b7C

This subpoena is issued upon application of the United States of America

Name, Address and Phone Number of Assistant U.S. Attorney
[redacted] Assistant U.S. Attorney
500 So. Australian Avenue, Suite 400
West Palm Beach, FL 33401-6235
Tel: [redacted]
Fax: (561) 802-1787

*If not applicable, enter "none."

To be used in lieu of AO110

FORM ORD-227
JAN.86

U.S. Department of Justice

United States Attorney
Southern District of Florida

500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401-6235
(561) 820-8711

APPEARANCE NOTICE

The attached subpoena requires the production of the records specified to a Federal Grand Jury/Trial in the Southern District of Florida.

A new provision of the Federal Rules of Evidence provides that routine business records may be admitted at trial through the declaration of a custodian, if they are provided sufficiently in advance of trial to allow an opportunity for any challenges to their authenticity. Therefore, you may be able to avoid appearing personally at the grand jury/trial at the time and place specified by completely filling out the attached Certification and Inventory and immediately returning it with the records to **Special Agent** [redacted] **FBI** at the following address:

Federal Bureau of Investigation
505 South Flagler Drive, Ste. 500
West Palm Beach, Florida 33401-5923

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b7C

EARLY VOLUNTARY TURNOVER

Please note that we are requesting an early voluntary turnover of the materials subpoenaed. The early voluntary turnover date is prior to October 20, 2006.

Sincerely,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY: [redacted]
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATION OF BUSINESS RECORDS

I, the undersigned, _____, declare that I am: employed by/associated with _____ in the position of _____ and by reason of my position am authorized and qualified to make this declaration.

In my employment with the above-named bank/company I am familiar with the business records it maintains. The above-named bank/company maintains records of its business which are:

1. made at or near the time of the occurrence of the matters set forth therein, by, or from information transmitted by, a person with knowledge of those matters;
2. kept in the course of regularly conducted business activity; and
3. made by the regularly conducted activity as a regular practice.

Among the records so maintained are the attached records itemized in Appendix A, Inventory of Documents.

I declare under penalty of perjury that the foregoing is true and correct.

Date of execution: _____

Place of execution: _____

Signature: _____

APPENDIX A

DOCUMENT INVENTORY

The documents submitted are as follows:

Signature of Records Custodian:

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 11/14/2006

To: [redacted]

Attn: SSA [redacted] RA

Attn: SSA [redacted] RA

b6
b7C

From: Miami
PB2/PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

b6
b7C

Synopsis: To request travel reference captioned case.

Administrative: Reference telcall between SA [redacted] and SSA [redacted] and SSA [redacted] on 11/14/2006.

Details: On 07/24/2006 the Federal Bureau of Investigation (FBI), Palm Beach County Resident Agency (PBCRA), opened an investigation involving multi-millionaire Jeffery Epstein and captioned subjects. The investigation involves [redacted]

FBI Miami, PBCRA, request travel concurrence with FBI

[redacted]

b6
b7C

b6
b7C

229 [redacted] 01.ec

31E-MM-108062-32

LEAD(s):

b6
b7C

Set Lead 1: (Info)

[redacted]

AT [redacted]

FBI Miami request travel concurrence from FBI [redacted] to conduct victim interview.

Set Lead 2: (Info)

[redacted]

AT [redacted]

FBI Miami request travel concurrence from FBI [redacted] [redacted] to conduct victim interview.

♦♦

HOUSE_OVERSIGHT_018952

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 11/09/2006

To: Miami

From: Miami
PB2/West Palm Beach RA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 – 33

Title: JEFFREY EPSTEIN; [redacted]
WSTA - CHILD PROSTITUTION

b6
b7C

Synopsis: Request that SA [redacted] with SOC# [redacted] receive holiday pay on November 10, 2006, Veteran's Day, a Federal Holiday.

Details: SA [redacted] will be working on gathering data for the Intelligent Analyst that will be coming to the Palm Beach RA on Monday.

♦♦

312[redacted]03.ec

31E-MM-108062-33

Case No. . . . . : 1-05-000368
SPECIAL NOTES : DO NOT RELEASE
Occur To Date : 1/27/05 0000
Day Of Week . : Thursday
Common/Location: 358 EL BRILLO WY
City . . . . . : PALM BEACH, FL
Location Type : RESIDENCE-SINGLE FAMILY
Beat Assignment: DETECTIVE BUREAU
Dept Class . . : SEXUAL BATTERY
Case Status . : OPEN / ACTIVE
Supervisory Dt.: [redacted] 3/14/05
Entry Date . . : 4/06/05
Names? . . . . . :
Vehicles? . . . :
Narrative? . . . :

Occur From Date: 1/27/05 0000
Report Date . : 3/14/05 1600
Map Reference : 10
Report Officer : [redacted]
Case Status Dt : 3/14/05
b6
b7C
Property? . . . :
Offenses? . . . :
Related Cases? :

********* V E H I C L E I N F O R M A T I O N # 1 **********

Case number . : 1-05-000368
State Veh Type :
Make . . . . . :
Model Name . . :
Style . . . . . :
Color - Bottom :
VIN . . . . . :
Disposition . :
Insured by . . :
Vehicle locked :
Date recovered : 0/00/00
Street number :
City . . . . . :
Recovery code :
Be On Look Out?:

Category . . . :
Year . . . . . : 0
Model . . . . . :
Permit Number :
Color - Top . :
License # . . :
Stolen value . : 0
Insured . . . :
Keys in car . :
Lein holder . :
Recovery value : 0

NCIC number . :

********* P E R S O N R E P O R T I N G I N F O - # 1 *********

Case Number . : 1-05-000368
Street Number : [redacted]
City . . . . . :
Birth Date/Age : [redacted]
Occupation . . :
Home Phone No. :
Sex . . . . . :
Weight . . . . : 0

Last Name . . : [redacted]
Employer? . . :
Oper Lic No. . : [redacted]
Race . . . . . : White
Height . . . . : 0
Other Phone Nbr:

********** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 **

Case Number . : 1-05-000368
Street Number : [redacted]
City . . . . . :
Birth Date . . : [redacted]
Employer? . . :
Oper Lic No. . : [redacted]
Other Phone Nbr:
Sex . . . . . : Female
Minimum Weight : 0

Prompt valid in: [redacted]
Maximum Age . : [redacted]
Occupation . . :
Home Phone No. :
Race . . . . . : White
Minimum Height : 0
Maximum Height : 0

3IE - MM - 108062 - 37

Case No. . . . : 1-05-000368 (Continued)
Maximum Weight : 0
Aliases? . . . :
Hair Color . . :
Hair Style . . :
Glasses . . . :
Facial Hair . :
Teeth . . . . :
Hat . . . . . :
Shirt . . . . :
Shoes . . . . :
Body Marks #2 :
Body Marks #4 :
Arrest Case No.:
Misc. ID# . . :
MO/Crime Spec? :
Hair Length . :
Eye Color . . :
Complexion . . :
Build . . . . :
Speech . . . . :
Coat . . . . . :
Pants . . . . :
Body Marks #1 :
Body Marks #3 :
Status . . . . : STILL SUSPECT b6
Additional UCR?: b7C

********** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 2 **

Case Number . : 1-05-000368
Street Number : 358 EL BRILLO WY
City . . . . . : PALM BEACH, FL 000033480
Birth Date . . :
Employer? . . :
Oper Lic No. . :
Other Phone Nbr:
Sex . . . . . : Female
Minimum Weight : 0
Maximum Weight : 0
Aliases? . . . :
Hair Color . . :
Hair Style . . :
Glasses . . . :
Facial Hair . :
Teeth . . . . :
Hat . . . . . :
Shirt . . . . :
Shoes . . . . :
Body Marks #2 :
Body Marks #4 :
Arrest Case No.:
Prompt valid in: [redacted]
Maximum Age . : 25
Occupation . . : PERSONAL ASST/EPSTEIN
Home Phone No. : 561/000-0000
Race . . . . . : White
Minimum Height : 0
Maximum Height : 0
Misc. ID# . . :
MO/Crime Spec? :
Hair Length . :
Eye Color . . :
Complexion . . :
Build . . . . :
Speech . . . . :
Coat . . . . . :
Pants . . . . :
Body Marks #1 :
Body Marks #3 :
Status . . . . : STILL SUSPECT
Additional UCR?:

********** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 3 **

Case Number . : 1-05-000368
Street Number : 358 EL BRILLO WY
City . . . . . : PALM BEACH, FL 000033480
Birth Date . . : 1/20/1953 52
Employer? . . :
Oper Lic No. . : E123425530200 FL
Other Phone Nbr:
Sex . . . . . : Male
Minimum Weight : 0
Maximum Weight : 0
Aliases? . . . :
Hair Color . . :
Hair Style . . :
Prompt valid in: EPSTEIN, JEFFREY
Maximum Age . : 52
Occupation . . :
Home Phone No. :
Race . . . . . : White
Minimum Height : 0
Maximum Height : 0
Misc. ID# . . :
MO/Crime Spec? :
Hair Length . :
Eye Color . . :

Case No. . . . . : 1-05-000368 (Continued)

Glasses . . . :		Complexion . . :	
Facial Hair . :		Build . . . . . :	
Teeth . . . . :		Speech . . . . . :	
Hat . . . . . :		Coat . . . . . :	
Shirt . . . . :		Pants . . . . . :	
Shoes . . . . :		Body Marks #1 :	
Body Marks #2 :		Body Marks #3 :	
Body Marks #4 :		Status . . . . :	STILL SUSPECT
Arrest Case No.:		Additional UCR?:	

b6
b7c

********** V I C T I M I N F O R M A T I O N - # 1 **********

3IE-MM-108062-37

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b6
b7c

b6
b7c

Case No. . . . . : 1-05-000368
Can Identify . :
Injury Extent :
Injury Type 2 :
Med Treatment :
Phys Last Name :

(Continued)

Victim Sobriety:
Injury Type 1 :
Hospital ID . :
Phys First Name:

********* O T H E R P E R S O N I N F O R M A T I O N - # 1 *********

Case Number . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age :
Occupation . . . : STUDENT
Home Phone No. :
Sex . . . . . : Female
Weight . . . . : 0
Other Phone Nbr:

Last Name . . . :
Employer? . . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . . : 0
Person Type . : OTHER PERSON

b6
b7C

********* O T H E R P E R S O N I N F O R M A T I O N - # 2 *********

Case Number . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age :
Occupation . . :
Home Phone No. :
Sex . . . . . : Female
Weight . . . . : 0
Other Phone Nbr:

Last Name . . . :
Employer? . . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . . : 510
Person Type . : OTHER PERSON

b6
b7C

********* O T H E R P E R S O N I N F O R M A T I O N - # 3 *********

Case Number . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age :
Occupation . . :
Home Phone No. :
Sex . . . . . : Female
Weight . . . . : 0
Other Phone Nbr:

Last Name . . . :
Employer? . . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . . : 0
Person Type . : OTHER PERSON

******** O T H E R P E R S O N I N F O R M A T I O N - # 4 *********

Case Number . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age :
Occupation . . :
Home Phone No. :
Sex . . . . . : Male
Weight . . . . : 0
Other Phone Nbr:

Last Name . . . :
Employer? . . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . . : 0
Person Type . : OTHER PERSON

******** O T H E R P E R S O N I N F O R M A T I O N - # 5 *********

Case Number . : 1-05-000368

Last Name . . . :

Case No. . . . . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age : 0/00/0000 0
Occupation . . : FAMILY THERAPIST
Home Phone No. : 561/000-0000
Sex . . . . . : Female
Weight . . . . : 0
Other Phone Nbr: 561/000-0000

(Continued)

Employer? . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . : 0
Person Type . : OTHER PERSON

EMPLOYER INFORMATION

Case Number . : 1-05-000368
Employer Name : PBC DIVISON OF YOUTH AFFAIRS
Address . . . : 4200 N AUSTRALIAN AV
City/State/Zip : WEST PALM BEACH, FL 33407
Phone Number . : 561/840-4540

********* O T H E R P E R S O N I N F O R M A T I O N - # 6 *********

Case Number . :
Street Number :
City . . . . . :
Birth Date/Age :
Occupation . . :
Home Phone No. :
Sex . . . . . :
Weight . . . . : 0
Other Phone Nbr:

Last Name . . : [redacted]

b6
b7C

Employer? . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . : 0
Person Type . : OTHER PERSON

EMPLOYER INFORMATION

Case Number . : 1-05-000368
Address . . . :
City/State/Zip :
Phone Number . :

Employer Name : [redacted]

********* O T H E R P E R S O N I N F O R M A T I O N - # 7 *********

Case Number . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age : 0/00/0000 0
Occupation . . :
Home Phone No. :
Sex . . . . . :
Weight . . . . : 0
Other Phone Nbr:

Last Name . . : [redacted]

b6
b7C

Employer? . . :
Oper Lic No. . :
Race . . . . . : White
Height . . . . : 0
Person Type . : OTHER PERSON

********* O T H E R P E R S O N I N F O R M A T I O N - # 8 *********

Case Number . : 1-05-000368
Street Number :
City . . . . . :
Birth Date/Age : 0/00/0000 0
Occupation . . :
Home Phone No. :
Sex . . . . . :

Last Name . . : [redacted]

Employer? . . :
Oper Lic No. . :
Race . . . . . :
Height . . . . : 0

Case No. . . . . : 1-05-000368 (Continued)
Weight . . . . . : 0 Person Type . : OTHER PERSON
Other Phone Nbr:

********* O T H E R P E R S O N I N F O R M A T I O N - # 9 *********

Case Number . : 1-05-000368 Last Name . . : [redacted]
Street Number : [redacted]
City . . . . . :
Birth Date/Age : Employer? . . :
Occupation . . : Oper Lic No. . : [redacted]
Home Phone No. : Race . . . . . : White
Sex . . . . . : Height . . . . . : 0 b6
Weight . . . . . : 0 Person Type . : OTHER PERSON b7C
Other Phone Nbr: 561/000-0000

********** N A R R A T I V E # 1 **********

Original Report LO Reported By: PAGAN, MICHELE D. 9/20/05
Entered By.: OREGERO, LAURA D. 9/20/05

On 03/14/2005, I received a call from a woman who did not wish to identify herself (later identified as [redacted]. She stated that her fourteen year old step daughter (later identified as [redacted] possibly may have been molested in Palm Beach by a wealthy man. According to [redacted] she learned of the possible molestation by a third party. She explained that she had received a call from the mother of her stepdaughter's friend. The mother claimed to have overheard a conversation between her daughter and a male friend; they were talking about [redacted] The conversation was about how [redacted] had met with a 45-year-old man and had sex with him and was paid for it. I advised [redacted] that I would like to meet with her to obtain a more detailed statement and facts. [redacted] stated she did not know what to do and had to discuss the matter with her husband. At this point [redacted] did not provide me with a call back number or any other information. She stated that she would contact me once she had spoken with her husband and [redacted] mother. b6 b7C

On 03/14/2005 received a call from [redacted] They stated it was all right to speak to their daughter [redacted] via cell phone [redacted] Her mother [redacted] had been made aware of the case. They agreed to meet me at the police department later this date. [redacted].

On 03/14/2005, [redacted] accompanied by his wife [redacted] came to the Palm Beach Police Department where they advised me that they believed their fourteen year old daughter may have had some type of sexual relationship with an older male who resided in Palm Beach. Neither knew the suspect's name or address. Both stated that their daughter did not talk to them about the incident, nor would she admit to it.

* [redacted] identified his daughter as [redacted] w/f, [redacted] resides with her biological mother [redacted] at [redacted] is a twin,

Case No. . . . : 1-05-000368 (Continued)

her sister [redacted] resides with [redacted] Both [redacted] and [redacted] are currently attending [redacted] school, which is an involuntary admitted juvenile educational facility. [redacted] stays at the facility during the week and comes home on the weekend. According to [redacted] she was admitted to the school because of disciplinary problems that recently escalated. The facility also coordinates with the families to provide one on one as well as family counseling.

b6
b7c

According to [redacted] she believes the incident occurred on Sunday, Feb 6, 2005. A friend of [redacted] named [redacted] picked her up at their house and left. They believe [redacted] initiated the relationship with the older gentleman, though they do not have any proof. [redacted] lives close by with her mother. [redacted] further explained that [redacted] was introduced to [redacted] by [redacted] a boy she was dating (goes to [redacted] plays baseball). [redacted] continued that on Sunday, [redacted] picked up [redacted] and drove to Palm Beach where they met the man. Supposedly, the man has a lot of money and often has young girls come over to his house. Haley offers these girls a way to make fast cash. The man starts with a massage. If he likes them, he keeps them around and does more. The [redacted] did not have any information on [redacted] other than she lives on [redacted] the last house on right side (north side).

[redacted] talked of a conversation that she had with [redacted] the mother of [redacted] a former friend of [redacted] She found it strange that they were no longer friends until she received the call from her mother telling her of the conversation she overheard between [redacted] and a boy named [redacted].

[redacted] told me of an incident that occurred on 02/09/2005. [redacted] got into a fight at school [redacted] Assistant Principal, found over $300.00 in [redacted] purse. [redacted] gave different explanations for the large sum of money. Initially the school administration thought it was drug related but then dismissed the claim. Since that day, [redacted] did not return to school; she ran away Thursday, 02/10th or Friday 02/11 and returned to her mother's house later that night after midnight. It was not until after [redacted] received the call from [redacted] mother, [redacted] that she learned [redacted] was the girl that got into the fight with [redacted] The fight was instigated when [redacted] accused [redacted] of being a prostitute.

[redacted] who has legal joint custody of his daughter [redacted] signed the affidavit of prosecution indicating he wished to prosecute against the inappropriate sexual behavior with his fourteen-year-old daughter.

[redacted] stated that he had no objections with our agency speaking with his daughter [redacted] about the incident. [redacted] stated that [redacted] mother [redacted] is aware of the allegations and also was willing to cooperate. According to [redacted] she does not believe her daughter had any additional contact with the suspect as she was with

Case No. . . . : 1-05-000368 (Continued)

her mother and then placed into [redacted].

I contacted the School Board Police who provided me the information for [redacted] West Palm Beach, Florida. Checking the school board records for [redacted] there was no disciplinary record found. I was advised if no disciplinary action was taken for a fight, such as an expulsion or detention, the incident may not have been recorded. This was at the discretion of the individual school security and principal. b6 b7C

03/15/2005, I called the Palm Beach County Sheriff's Office and left a message for PBSP Sgt. Chris Keen, Child Abuse Unit.

On 03/15/2005, I went to [redacted] where I met with white female [redacted] Also present was [redacted] therapist. During an audiotaped interview, I spoke with [redacted] about the allegations that were made. [redacted] initially denied anything had happened, only admitting to going with [redacted] (later identified as [redacted]) to Palm Beach to pick up money [redacted] was owed. [redacted] identified [redacted] as the cousin of her former boyfriend [redacted] She ultimately admitted to knowing that [redacted] worked for a wealthy man and possibly did sexual favors for him. She also admitted that [redacted] had offered her an opportunity to make money.

[redacted] identified [redacted] boss as a white male named "Jeff" who lived in Palm Beach (later positively identified as Jeffrey Epstein). [redacted] explained that she was first approached by [redacted] to go with her to Jeff's house, when they were at [redacted] house. According to [redacted] she was not sure exactly what was going on with [redacted] but agreed to go with her. [redacted] boyfriend) became angry when he heard [redacted] inviting [redacted] to accompany her. [redacted] believed it was to pick up money the man owed [redacted]. [redacted] stated [redacted] told her that she would pick her up at her house on Sunday. [redacted] was not sure of the exact dates but knew it was a Sunday. According to [redacted], [redacted] along with an unknown, possibly Hispanic female, picked her up at her father's house on [redacted] told her father that they were going shopping. It was later confirmed by [redacted] that [redacted] picked his daughter up. According to Mr. [redacted], [redacted] drove a pick up truck.

[redacted] drove [redacted] along with the unknown female to Palm Beach. Sometime on the way there, a conversation occurred between [redacted] and [redacted] whereby [redacted] told [redacted] that if Jeff asked her [redacted] age, she should say she was eighteen.

[redacted] recalled that Jeff's house was on a dead end street. All three girls walked up a driveway, past what appeared to be a small guard/security room. In fact, [redacted] recalled a male approaching them asking what they wanted. [redacted] stated they were there to see Jeff. The male allowed them to continue walking up to the house.

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[redacted] stated the man told them that Epstein was not there but was expected back. He allowed them to enter the house, via the kitchen. He offered them something to drink while they waited inside. Shortly after, Epstein and a woman, described as white with blond hair entered the kitchen. [redacted] believed the woman was Epstein's Assistant. [redacted] added that the woman did not seem friendly and kept her responses short and direct. Epstein introduced himself to [redacted] as Jeff . [redacted] got the impression that Epstein and [redacted] friend knew each other. [redacted] described Epstein as being approximately forty-five years old, a long face, and bushy eyebrows, with graying hair. b6 b7C

[redacted] and Epstein left the kitchen leaving [redacted] and [redacted] friend alone in the kitchen. They returned a short time later. They all spoke briefly in the kitchen. While speaking to me, [redacted] became upset and started to cry. [redacted] stated the woman instructed her to follow her upstairs, which she did. According to [redacted], the woman led her to a room that had a massage table in it. The woman started to fix up the room, putting the covers on the table and taking lotions out. She then told [redacted] that Epstein would be up in a second. The woman left the room, and soon after, Epstein walked in and told [redacted] to take off her clothes. As [redacted] was telling me what had happened, she looked away from me, and with a pointed finger, repeatedly pressed it into her thigh. [redacted] stated he was stern when he told her to take off her clothes. [redacted] said she did not know what to do as she was the only one there. [redacted] took off her shirt leaving her bra on. Epstein, dressed in a towel told her to take off everything. [redacted] stated she removed her pants leaving her thong panties on. Epstein then instructed her to give him a massage pointing to a specific lotion for her to use. Epstein laid on the table, face down. As [redacted] began to give Epstein the massage, he told her to get on his back. [redacted] stated she straddled herself on Epstein's back. [redacted] stated her exposed buttocks were touching Epstein s bare buttocks. As [redacted] was giving Epstein the massage, he turned around, and wacked off [redacted] later explained that wacking off was masturbating). [redacted] stated she was disgusted by Epstein's actions but did not say anything. According to [redacted] Epstein told her that she "had a really hot body." Epstein excused himself and went to the bathroom where she believed he masturbated again. Epstein returned to the room and told [redacted] that he was done and gave her three hundred dollars. They went back down stairs where they met [redacted]. Epstein said good-bye and they left. [redacted] asked [redacted] how did it go and asked what did she [redacted] do. When [redacted] told [redacted] that Epstein asked for a massage, [redacted] allegedly stated "I know." [redacted] stated they then went shopping. [redacted] stated [redacted] also got paid, but that she did not know why since she was confident that [redacted] did not do anything.

[redacted] described Epstein's house as a two story pink house with a Cadillac Escalade parked in the driveway. There were gates leading into the property. From the kitchen, [redacted] recalled walking up a flight of stairs, lined with photographs, to a room. Upon entering

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the room there was a large bathroom to the right. [redacted] recalled a hot pink and green sofa in the room. There was a door on each side of the sofa. [redacted] recalled there being a mural of a naked woman in the room, as well as several photographs of naked women on a shelf. b6 b7C

[redacted] stated Epstein did not change in front of her but did take off his towel, exposing himself. [redacted] recalled Epstein being hairy especially on his chest. Epstein also had a hairline that continued to his buttocks. [redacted] admitted to seeing his penis. I asked [redacted] if she knew what being circumcised meant and she stated no. [redacted] then said that she thought Epstein was on steroids because he was a "really built guy and his wee wee was very tiny." [redacted] would explain that when she stated "wee wee" she meant penis. [redacted] stated Epstein exposed himself when he took his towel off, placing it on the floor as he laid down on the table.

[redacted] said Epstein was specific in his instruction to her on how to massage, telling her to go clockwise, etc. [redacted] recalled that Epstein got up from the table and went to the bathroom where she heard him making, what she believed to be sexual type of noises. (moaning) He then returned to the room where he again laid down on the table. Epstein then turned over and instructed [redacted] to massage his boobs. As she did this, Epstein continued to make moaning noises.

[redacted] resumed massaging his chest area. [redacted] was now standing on the ground. Epstein turned to his side, and with the towel on the ground started to rub his penis in an up and down motion. [redacted] stated Epstein held on to the small of her back as she massaged his chest, back and shoulder area. [redacted] recalled Epstein ejaculating because he had to use the towel to wipe himself as he got off the table. [redacted] also recalled Epstein having a noticeable freckle on his chest.

Epstein then left the room and [redacted] got dressed. She went back downstairs where she met Haley and the unknown white female. [redacted] admitted to getting paid three hundred dollars in cash from Epstein. Before they left, Epstein asked [redacted] to leave her phone number. As they were leaving the house, [redacted] asked [redacted] what had happened and how much she was paid. [redacted] stated [redacted] seemed upset or jealous when she told her that she received three hundred dollars. [redacted] stated received only two hundred dollars that day. [redacted] stated that she believed [redacted] was paid two hundred dollars for bringing her.

[redacted] told [redacted] that if they do this every Saturday, they could be rich; [redacted] agreed. They then went shopping, though she is not sure where. Possibly at TJ Maxx or Marshall's. [redacted] stated she never saw [redacted] again as she got into a fight at school. She had not spoken with [redacted] either as her mother took away her cell phone.

I asked [redacted] if she was aware of any video equipment while she was in the room. She stated no.

Case No. . . . : 1-05-000368 (Continued)

[redacted] stated she was afraid that [redacted] would retaliate against her or her family if she ever went to the police regarding the incident. b6
[redacted] stated that her father's vehicle was recently vandalized. b7C
[redacted] admitted to telling [redacted] what had happened with Epstein. According to [redacted] became angry and upset, punching a hole in the wall. [redacted] guessed that it was [redacted] who told [redacted] about the incident, and now there were rumors in school about [redacted] and what she did with Epstein.

I then talked to [redacted] about truth and lying. We talked about the color sweater she was wearing. [redacted] denied having sexual intercourse with Epstein. She denied touching his penis. [redacted] again admitted to observing Epstein masturbate.

[redacted] agreed to cooperating with the police department in placing a phone call to [redacted] in a controlled setting. I met with [redacted] and advised her of the families' as well as [redacted] willingness to cooperate with this investigation. Copies of this interview were placed into evidence.

I made contact with [redacted] mother of [redacted] I advised her briefly of my investigation. She was aware of the incident and stated that she overheard a portion of a conversation that her daughter was having with a boy named [redacted] stated that it was her opinion that both girls liked [redacted] recalled hearing her daughter calling [redacted] a whore. [redacted] admitted that she did not listen to the entire conversation but did confront her daughter about it later. [redacted] told her mother that something to the effect that [redacted] had slept with an older man for money. [redacted] stated that she would not object to me speaking with her daughter. It was [redacted] belief that everyone in the school may have known about this because of the fight that her daughter [redacted] and [redacted] had gotten into. I reminded [redacted] that this was an ongoing investigation and requested she not discuss the fact that I had contacted her. She agreed.

On 03/16/2005, PBSO Sgt. Chris Keen left a message that he was returning my call. I spoke with Keen and discussed the case with him and inquired if he had any open allegations or cases where the suspect resided in Palm Beach. Keen stated he was unaware of any. Keen offered any assistance if needed. Keen stated it was his experience that due to the age of the parties involved, it would be difficult to interview them and expect the investigation to remain confidential.

Because of the time delay, there was no need for the victim to be taken to a medical facility for a physical for the purpose of obtaining evidence. There was also no need to take her to CPT as she was already in a juvenile facility, with an assigned therapist, in which coordinating a day and time to obtain a statement could be made.

On 03/17/2005, I queried Jeffery Epstein on the internet and obtained

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a photo of Epstein to be used in a photo line up. I met with [redacted] b6
[redacted] at which time she viewed the photo line up. She immediately b7C
recognized Epstein and pointed to him (Position #5). [redacted] signed the photo line up under Epstein's picture. This signed line up was placed into evidence.

On 03/18/2005, I met with [redacted] at her residence for the purpose of placing a controlled call to [redacted] [redacted] spoke with [redacted] and asked if she could arrange another meeting with Jeff. [redacted] stated that she would have to call him and make the arrangements. A copy of this conversation was placed into evidence.

03/19/2005, I spoke with [redacted] and [redacted] and was advised that [redacted] left the state to visit with her aunt and uncle. [redacted] is scheduled to return to Florida on 03/27/2005

03/21/2005, I coordinated with PB BSF Unit and OCVAN to initiate surveillance on 358 El Brillo.

03/21/2005, Coordinated with Det. Lee regarding trash pulls from 358 El Brillo. On this same date I called [redacted] to schedule an appointment to speak with [redacted] She stated the school guidance counselor was reluctant to have police presence at the school. I assured her that I would respond to the school in civilian clothes and an unmarked vehicle.

[redacted] called me back and advised that I did not need to make an appointment to see [redacted].

I received a return phone call from [redacted] stating that [redacted] [redacted] would be attending the family therapy sessions with [redacted].

I received messages from [redacted]

I conducted a computer query on Epstein. The results of this query indicated the most recent driver's license on file for Epstein was for the state of Florida, which had expired.

A cross reference of Epstein s residence, 358 El Brillo, Palm Beach, revealed the following affiliated names: [redacted] w/f, dob [redacted] Mark L. Epstein, w/m dob [redacted] & Ghislaine N. Maxwell, uk/f, dob [redacted] A computer query for both returned no history.

On 03/23/2005, I spoke with [redacted] cell phone wk [redacted]. I requested that she not discuss the incident with anyone including her daughter [redacted] as I did not want the investigation compromised. I was told at this time, that [redacted] and [redacted] have not been getting along due to the fact that [redacted] has decided to continue living with her father.

On 03/29/2005, I placed telephone calls to both the [redacted] and [redacted] residences requesting to speak with them regarding the

Case No. . . . : 1-05-000368 (Continued)

investigation. I received return phone calls from [redacted] and [redacted] and advised them that I would be contacting [redacted] [redacted] family therapist to coordinate a time to meet with [redacted]. This was at the request of both Back and [redacted] that [redacted] strict classroom and therapy schedule be disrupted as little as possible. I also updated them to the investigation thus far. Both [redacted] and [redacted] stated they had no objection to my meeting with [redacted] In speaking with [redacted] she identified the cell phone number of [redacted] as being the phone assigned to [redacted] Ms. [redacted] had no objections and provided consent to giving it to the police department for the use of placing controlled phone calls from it. [redacted] stated the phone had been taken away from [redacted] as part of her punishment for not doing well in school. According to [redacted] used to be an excellent student, but in the past two months has become irritable, verbally abusive to the family and has run away. [redacted] stated her daughter's recent behavior is the opposite of what she normally is. [redacted] stated they are going through family therapy sessions with the school but none of this had come up. Arrangements were made for Det. Captain Gudger to retrieve the cell phone from [redacted] at her place of employment.

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I called [redacted] and requested to speak with [redacted]. Upon speaking with [redacted] she advised me that she was in the middle of therapy sessions and would call me back once the sessions were completed. [redacted] stated the sessions should be concluded by 7:00 PM. At approximately 8:00PM I had called [redacted] at which time I left a message on her voice mail requesting a return phone call. I spoke with [redacted] and advised her that I did not meet with her daughter and that I would again attempt to coordinate a time with the counselor so as not to disrupt [redacted] school schedule. [redacted] had no objections. Shortly after speaking with [redacted] I received a call from [redacted]. I explained the situation and requested a time to meet with [redacted] Back reviewed [redacted] schedule and advised that [redacted] would be available after 3:00PM.

On 03/30/2005, I met with [redacted] and [redacted] at [redacted] [redacted]. I reminded [redacted] of her conversation with [redacted] During this time [redacted] initiated a conversation with me in which she admitted that she was not telling me everything that had happened during the time she was alone with Epstein. According to [redacted], while she and Epstein were alone on the second floor, Epstein used a purple vibrator to massage her vaginal area. [redacted] stated there was no penetration as the vibrator was on top of her underwear. I asked [redacted] if Epstein ever asked her age and she stated he had. [redacted] stated she told him she was eighteen. When Epstein asked what school she was in, [redacted] responded she was in the twelfth grade at [redacted]. During the course of this incident, [redacted] stated Epstein told her that [redacted] had worked for him for years.

We then continued with the controlled call to [redacted]. At approximately 3:35pm [redacted] from her cell phone, made a call to [redacted] s home, [redacted]. [redacted] was not home. [redacted] was told

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that [redacted] was at working a double and could be reached on her cell phone, [redacted]. W/F, [redacted] is employed at The Olive Garden Restaurant, located on Forest Hills Blvd in Wellington.

[redacted] called [redacted]. During the conversation between [redacted] and [redacted], [redacted] asked [redacted], what happened, stating that she had heard rumors that [redacted] was going to press charges. [redacted] asked if they, meaning [redacted] parents, knew about Jeffery. [redacted] claimed to have heard that [redacted] father had found out about Jeffrey. [redacted] told [redacted] that they (her parents) did not know anything about Epstein. [redacted] told [redacted] that Epstein needed someone to work tomorrow and asked if she was available. [redacted] stated she would call Epstein and then call [redacted] back.

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During the course of these conversations with [redacted] she would at times appear to be articulate and well spoken. She would then start to act in an immature manner, by looking around, not paying attention, drawing on a paper. [redacted] would offer me a high five whenever she claimed to have told me the truth in the details of the afternoon at Epstein's house. [redacted] would sit in the chair, with her knees propped up to her chest as she admitted that she did not tell me the all the details of her encounter with Epstein during our first meeting. As a means of positive reinforcement I would high five [redacted]

On 03/31/2005, subpoena requests for T-Mobile Wireless [redacted] and Cingular Wireless, [redacted]. ([redacted] and [redacted] phone numbers) were drafted.

On 04/01/2005, I met with members of PB BSF Unit for the purpose of conducting surveillance on 358 El Brillo. Cross-reference supplement.

On 04/01/2005, I met with Det. Krauel of the Palm Beach Police Department who provided me a copy of the concealed weapons permit for Mr. Epstein. It revealed Epstein had a valid permit. There was no current photo attached to the renewal notice.

On this same date I queried various different web sites for a possible identification of the purple item retrieved from the trash pull from 358 El Brillo. The item was similar in description as the one described by [redacted] and used by Epstein.

I made contact with Spicygear.com and spoke with the owner John. I emailed a photograph of the item for his opinion. He identified the items as a Jelly Anal Wand of some sort. The item is easily available at sex shops in South Florida.

04/06/2005, I conducted business queries into Epstein utilizing the internet. I located articles relating to financial reports. There was no local history.

On 04/01/2005 - 04/03/2005, with the assistance of BSF, there was

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continued surveillance on the property.

On 04/04/2005, I obtained a copy of voice mail messages, dated 03/31 and 04/01 from [redacted] to [redacted] A female identifying herself as [redacted] states that she could pick [redacted] up to take her to Epstein's house for an eleven o clock appointment. A copy of this was placed into evidence. b6 b7C

On 04/05/2005, a trash pull was conducted at 358 El Brillo by Det. Lee and me. There were several messages written on various forms of papers. There was a message from [redacted] indicating [redacted] 11:00. The following was additional information obtained from trash retrieved from 358 El Brillo: Jean Luc 6:20 AM; David [redacted] [redacted] [redacted] [redacted] 1x; fuliias Friday 5:30PM; [redacted] [redacted]; [redacted]; a message receipt dated 4/4 1:05- [redacted] She is looking to speak to you .; [redacted]

On 04/06/2005, I faxed subpoena requests to SA Mighdolls office for Epstein, [redacted] and [redacted] s phone records. (Phone numbers [redacted] [redacted]

On 04/06/2005, I called [redacted], ext [redacted], and spoke with Principal [redacted]. He confirmed that they had a student by the name of [redacted] He requested a written request prior to releasing any additional information. On this same date I faxed [redacted] a request for student and parent information on [redacted] [redacted] I advised [redacted] that due to this being an open investigation he was not to discuss the matter with anyone.

On 04/08/2005, I received a message from [redacted] providing me the following information: [redacted] [redacted] Florida, [redacted]. Parents name: [redacted] [redacted]

Det. Lee provided me with trash obtained from 358 El Brillo for 04/06 04/07/05. The following information was retrieved: Jet Aviation 800-538-0724 itinerary, indicating a departure date of 04/05/2005 at 4:00 PM with an arrival in New York City of 6:15PM. Flight crew captain David Rodgers, co-captain, Larry Visoski, flight engineer Larry Morrison. Call sign N908JE; a note stating Bye J. thank you [redacted], hand written notes & messages 11- [redacted]; 12:30 chicken, [redacted] 4, 3 September B & J, Big Screen x8, [redacted] work Sunday @ 4PM, [redacted] Monday after school?; left message for [redacted] [redacted] works 4-9 Monday and Tuesday, leaves school @ 11:30 AM; [redacted] will be here tomorrow @ 10:30 Am; Mrs. Business 654-6699 [redacted] There was no trash for 04/08/05.

04/22/05 received the results of a subpoena request from Bellsouth for [redacted] The results only provided subscriber information. I contacted Alice Grant Investigative Subpoena Compliance Center who stated the request was not complete and the results would be sent to

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me as soon as the query was finished.

Cross-referencing the names [redacted] as well as phone numbers, which were obtained from message notes via trash pulls, I identified the before mentioned individuals as being acquainted with someone at 358 El Brillo. [redacted] are both above the legal age of consent. b6 b7C

On 05/03/2005, I spoke with [redacted] and updated her on the investigation. [redacted] stated that [redacted] was doing well in the school. Her contact with the outside is limited as they do not have access to the phones. [redacted] comes home on the weekends and she is not allowed to go anywhere alone.

On 05/11/2005, I made arrangements to meet with [redacted] and [redacted].

On Thursday, 05/12/05, I spoke with [redacted] regarding the case. They will be moving to GA in July 2005. They will be very busy over the next few weeks but would be available via phone. Will coordinate a date to meet to discuss the matter further.

During this week I conducted surveillance at Epstein s residence and at the airport, but there was nothing to indicate that Epstein was in town.

Due to conflicting appointments, rescheduled until 06/02/2005, to meet with [redacted]

I also spoke with [redacted] and updated her to the investigation.

On 06/02/2005, I met with [redacted] advised that she could be reached via her cell phone until she is able to provide me with her new contact information.

I also received a message from [redacted] Attempted call back but the line was busy.

June 14, 2005, I received information that Epstein's plane was at Jet Aviation. I spoke with Det. Lee regarding surveillance.

I called the Olive Garden and asked for [redacted]. I was advised she was not working today. This would indicate that [redacted] was still employed there.

On 07/07/2005, I faxed subpoena requests to SA Mighdolls office for Epstein, [redacted] and [redacted] phone records. (Phone numbers [redacted], [redacted]. The original subpoena requests only provided subscriber and billing information.

On 07/20/2005, conducted a trash pull arranged by Ofc. Lee. Inside there were misc. papers with phone numbers and names. There were

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misc. female hygiene products in the trash. Based on a prior Auto Track report done on 358 El Brillo, a possible subject residing at the residence is [redacted]. [redacted] fit the description provided by officers who had conducted surveillance in the area of a female seen entering and leaving the residence.

On 07/21/05, I received the Duces Tecum dated 07/18/05, which was clerked by ASO

On 07/26/2005, I received the results of Bell South Subpoena.

On 08/04/05, I received DHL Express from T mobile with the results of the query.

I spoke with [redacted] who confirmed that [redacted] was still living out of state. It appeared that all was going well.

I left a message for [redacted]

On 08/08/2005, I received the results of Cingular cell phone subpoena.

During the week of 09/08/2005, I checked 358 El Brillo and the Palm Beach International Airport but there was no direct indication that Epstein was in town.

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On 09/08/2005, I reviewed the case notes of this file, as the case will be turned over to Det. Recarey.

On 09/11/2005, while on patrol, I conducted a check at Epstein's residence and found that it still had the hurricane shutters on. On a drive by the Palm Beach International Airport later that afternoon, I did not observe Epstein's plane.

On 09/14/2005, I conducted a check at the Palm Beach International Airport but did not see Epstein s plane.

On 09/19/2005, I spoke with [redacted] to keep her updated and to find out if there was any change of address or phone numbers for [redacted] I was told no. I left a message for [redacted] in order to provide her with Detective Recarey s information.

********** N A R R A T I V E # 2 **********

NA Reported By: RECAREY, JOSEPH 9/21/05
Entered By.: ALTOMARO, NICKIE A. 9/21/05

On September 19, 2005, I met with Officer Pagan and received the information pertaining to this case. Members of the Burglary Strike Force had previously been conducting surveillance on both Epstein and [redacted]. Officer Munyan was assigned to monitor the Epstein home and Sgt Sorge and Officer Minot were assigned to monitor [redacted]. Both teams provided a surveillance log that will be placed into the

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attachment file.

Det. Dawson was assigned to relieve Officer Munyan at 4:00 pm; he informed me that at approximately 8:00 pm, Epstein had left for the airport and his private jet was sitting on the tarmac. Epstein's private vehicle drove to the jet and unloaded packages into the jet. It appeared that Epstein left the county at this time. Surveillance will continue to determine when Epstein will return.

Inv Continues.

********** N A R R A T I V E # 3 **********

NA Reported By: PARKINSON, GREGORY A. 9/23/05
Entered By.: ALTOMARO, NICKIE A. 9/23/05

On Friday, September 23, 2005 at approximately 1:45 p.m., I began to copy a tape micro cassette, under case number 05-368 and property number 05-243, tape number 1. I placed the tape in the telex copy-et, series 2 machine and began to go through the copying process. Approximately 1/2 through the tape, the tape wrapped around the spindle and became locked and stretched the tape. I examined it and determined that it was in the best interest to leave it as it is as a prior copy had been made and turned over to Sergeant Frick. I immediately took the tape to Sergeant Frick and allowed him to examine it and then obtained the copy from him and Detective Recarey and brought the copy of the tape down and made a copy for him based on that. The tape was placed back in the original container and is retained in the evidence bag under the previously mentioned property number of 05-243. It is not advisable to attempt to copy this tape as further damage could result to the recorded material and there is an existing copy anyway.

********** N A R R A T I V E # 4 **********

NA Reported By: PARKINSON, GREGORY A. 9/26/05
Entered By.: ALTOMARO, NICKIE A. 9/26/05

On 3-24-05 at 11:00 pm, a copy of tape 2 (case number 05-294) had been made for Det. Pagan by Evidence Specialist Annette Badger. The copy was turned over to Detective Recarey.

On Friday, 09-23-05 at approimately 2:15 pm, I was in the process of reproducing audio tapes (micro and standard) to standard size when it was discovered, in the test review process, that tape number 2 was blank. I notified Sgt. Frick and Det. Recarey. I was informed that they had a prior copy and I could use it to make a master tape. I did so and when reviewing and signing the evidence sheet, I noticed Evidence Specialist Badger had written "#2 is blank."

I obtained that copy from Det. Recarey and made a new copy on a standard size tape. The new copy was placed in the evidence bag under

Case No. . . . : 1-05-000368 (Continued)
property number 05-294 with the blank tape.

********** N A R R A T I V E # 5 **********
NA Reported By: RECAREY, JOSEPH 9/26/05
Entered By.: ALTOMARO, NICKIE A. 9/28/05

Copies of the tapes that were submitted into evidence were requested. Additionally, trash pulls were started on September 21, 2005. Sgt. Szarszewski made telephone contact with Tony Higgins, Supervisor of the Sanitation Department, and requested that trash be collected at the Epstein House located at 358 El Brillo in Palm Beach. Sgt Szarszewski met with Sanitation worker, Jeff Williams and observed him enter the property at 358 El Brillo. Shortly thereafter, Williams exited the property and placed the three white trash bags in the empty well in the rear of the truck. Williams then drove away where he met with Sgt. Szarszewski who removed the bags from the well and placed them into one large black trash bag. The bag was returned to the Police Station where I was waiting for him. Upon his arrival, we inspected the bags where several notes and papers were found. These notes contained names of girls with times. Additionally, there was a note from [redacted] to Jeffrey Epstein on a notepad, which stated,"For a good time call [redacted]" Also, there was another telephone number on the note [redacted] Also found was a written note, which stated, [redacted] can not come at 7 p.m. tomorrow because of soccer. These items were written on notepads that contain Jeffrey Epstein on the bottom of the notes. These items were placed into evidence for future follow up. I requested subpoenas for subscriber information on the telephone numbers listed above on the note from [redacted] The cellular telephones [redacted] and [redacted] are both assigned to Cingular Cellular Service. Other notes were found within the trash on Jeffrey Epstein pad, papers that contained telephone numbers. One note had [redacted] with [redacted] written on it. This cellular number is assigned to Cingular Cellular Service. Another sheet had written [redacted] which is assigned to Bell South Telecommunications. The subpoenas were picked up and submitted to Cingular and Bell South Telecommunication for subscriber information. b6 b7C

On September 22, 2005, I was informed by Sgt. Szarszewski that there would be no trash pick up as it was recycle pick up day. A request for copies of the micro and standard size cassettes were requested from crime scene to familiarize myself with the interviews conducted.

On September 23, 2005, the tapes were received and I began to become familiar with the interviews that were conducted. Det. Krauel had met with Town of Palm Beach Sanitation worker, Jeff Williams and observed him enter the property of 358 El Brillo. Shortly thereafter, Williams exited the property and placed the three white trash bags in the empty well in the rear of the truck. Williams then drove away where he met with Det. Krauel who removed the bags from the well and placed them into one large black trash bag. The bag was returned to the Police Station where I was waiting for him. Upon his arrival, we inspected

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the bags where several notes and papers were found. The notes will be inspected for future use. The items collected were placed into evidence.

It became evident that some of the recordings were recorded with background noise and some interference. The calls most affected were the control phone calls from the victim to the suspect [redacted]. I obtained the graphic equalizer and discovered that the calls are able to be legible with the use of the equalizer by lowering the background noise and increasing voice gain. I also learned that a tape was broken during the coping of the tape. I returned the copy of the tape marked Property Number 05-243 to have it recopied to have an original in evidence and a working copy with the file.

Upon researching the file, it was discovered that the suspect, [redacted] [redacted] cellular calls were subpoenaed incorrectly. The suspect telephone number was [redacted] and the original request was for [redacted] I requested the information through Cingular Cellular Service from February 2005 through the present. The purpose was to have a record of [redacted] making calls to victim, Jeffrey Epstein and the frequency of calls. The request was submitted to the State Attorney's Office. b6 b7C

Investigation Continues....

********** N A R R A T I V E # 6 **********

NA Reported By: KRAUEL, CURTIS D. 10/06/05
Entered By.: ALTOMARO, NICKIE A. 10/06/05

On or about September 23, 2005 at approximately 0915 hours, I responded to 358 El Brillo and met with PB Sanitation worker Jeff Williams. Williams had been previously notified to assist in trash pulls at the residence of Jeffrey Epstein, 358 El Brillo, Palm Beach, Florida. I observed Williams enter the driveway of 358 El Brillo and remove several plastic bags of trash and place the contents into the back of an empty sanitation truck.

I then followed Williams to a predetermined location and seized the trash from the truck. The trash was transported to the Palm Beach Police Department where I began sifting through its contents. There was a total of 4 white in color plastic bags and each contained documentation and correspondence for 358 El Brillo and Jeffrey Epstein. All documents of evidentiary value were removed and turned over to Det. Recarey for follow-up.

On or about September 26, 2005 at approximately 0900 hours, I responded to 358 El Brillo and met with PB Sanitation worker Jessie Jones. Jones had been previously notified to assist in trash pulls at the residence of Jeffrey Epstein, 358 El Brillo, Palm Beach, Florida. I observed Jones enter the driveway of 358 El Brillo, where no trash was located within the receptacles. I left the area without incident

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and notified Det. Recarey to that affect.

On or about September 27, 2005 at approximately 0915 hours, I responded to 358 El Brillo and met with PB Sanitation worker Jesse Jones. I observed Jones enter the driveway of 358 El Brillo and remove one plastic bag of trash and place it in the back of an empty sanitation truck.

I then followed Jones to a predetermined location and seized the trash from the truck. The trash was transported to the Palm Beach Police Department where I began sifting through its contents. There was a total of 1 white in color plastic bag which contained correspondence for 358 El Brillo. All documents of evidentiary value were removed and turned over to Det. Recarey for follow-up.

On or about Monday October 3, 2005 at approximately 0915 hours, I responded to 358 El Brillo and met with PB Sanitation worker Jeff Williams. I observed Williams enter the driveway of 358 El Brillo and remove several plastic bags of trash and place the contents into the back of an empty sanitation truck.

I then followed Williams to a predetermined location and seized the trash from the truck. The trash was transported to the Palm Beach Police Department where I began sifting through its contents. There was a total of 7 white in color plastic bags with a red tie and 1 black in color bag which contained 2 white in color plastic bags with a red tie. Each of the bags contained documentation and correspondence for 358 El Brillo and Jeffrey Epstein. Inside of one of the white in color bags, I located a broken piece of a hard plastic or clear acrylic stick, which was shaped with small ridges. This device is commonly used as a sexual toy which is inserted into the vagina or anus for stimulation. This item, along with all documents of evidentiary value were removed and turned over to Det. Recarey for follow-up.

On or about Tuesday October 4, 2005 at approximately 0928 hours, I responded to 358 El Brillo and met with PB Sanitation worker Jeff Williams. I observed Williams enter the driveway of 358 El Brillo and remove several plastic bags of trash and place the contents into the side well of the sanitation truck. This side of the truck is separate from the rear of the truck and does not come into contact with other trash.

I then followed Williams to a predetermined location and seized the trash from the truck. The trash was transported to the Palm Beach Police Department where I began sifting through its contents. There was a total of 2 white in color plastic bags which were tied at the top. Each of the bags contained documentation and correspondence for 358 El Brillo and Jeffrey Epstein. All documents of evidentiary value were removed and turned over to Det. Recarey for follow-up.

On or about Wednesday October 5, 2005 at approximately 0928 hours, I

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responded to 358 El Brillo and met with PB Sanitation worker Jeff Williams. I observed Williams enter the driveway of 358 El Brillo and remove several plastic bags of trash and place the contents into the bed of the sanitation truck.

I then followed Williams to a predetermined location and seized the trash from the truck. The trash was transported to the Palm Beach Police Department where I began sifting through its contents, with the assistance of Det. Recarey. There were a total of 2 bags, one of which was white in color and tied in a knot at the top, and the other was a black in color bag, which contained two white in color trash bags along with loose debris. Each of the bags contained documentation and correspondence for 358 El Brillo and Jeffrey Epstein. All documents of evidentiary value were removed and turned over to Det. Recarey for follow-up.

********** N A R R A T I V E # 7 **********

NA Reported By: RECAREY, JOSEPH 10/07/05
Entered By.: ALTOMARO, NICKIE A. 10/07/05

I met with Det. Krauel and requested further assistance to maintain trash collections at Epstein's residence at 358 El Brillo Road. On October 3, 2005, at approximately 10:30 am, I was contacted by Sgt. Frick to respond to the Palm Beach Police Station. Det. Krauel had observed Jeff Epstein riding his bicycle on South County Road. Upon my arrival, I met with Sgt Frick who advised, as Epstein was currently in Town; we interview [redacted] as to her involvement with Epstein and the girls that are brought to his house. As we were to interview [redacted] in the county, (outside of our jurisdiction), I contacted the State Attorney s Office Investigation Division, and made contact with Assistant Supervisor Investigator Carlos Ortiz. I requested assistance to interview [redacted] as the interview may occur in the county. Supervisor Ortiz assigned Investigator Mike Waites to assist us at the location and interview of [redacted].

Det. Dicks had responded to the address of [redacted] and viewed her vehicle parked in the driveway. [redacted]'s vehicle a red Plymouth Neon baring Florida Tag of [redacted] was parked in the driveway of [redacted]. Sgt Frick and I responded to 120th Ave and awaited the arrival of Investigator Mike Waites. Upon his arrival, he was briefed that should she wish to be interviewed within her home he would be needed. However, should [redacted] agree to return to the police station for further questioning, he would not be needed. Sgt. Frick and I knocked on the door and met with [redacted]. [redacted] was told that we were investigating a claim involving Jeffrey Epstein of El Brillo in Palm Beach. [redacted] was asked if she wanted to accompany us back to the police station for further questioning. She was also told that at the conclusion of the interview she would be returned home. She agreed and wished to change her clothes prior to accompanying us back to the police station. At the conclusion of her changing clothes, she advised she was ready to go. I thanked Inv. Waites and advised she was going to voluntarily return to the police station.

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Upon [redacted] s entry in the unmarked Detective vehicle, I placed a tape recorder within the vehicle to record any conversations within the vehicle. During the ride back to the police station, [redacted] advised she is attending Palm Beach Community College at the Palm Beach Gardens Campus and is majoring in journalism.

Upon our arrival at the police station, [redacted] was brought to the interview room in the Detective Bureau. I explained to [redacted] that I appreciated her willingness to assist us and informed her that should she desire to leave at any time she may do so. I further explained the interview room door is only closed for privacy. [redacted] stated she understood. During the taped sworn interview, [redacted] was asked how she came in contact with Epstein. [redacted] stated back when she turned 17 years of age she was approached by a friend Molly in the Canopy Beach Resort in Rivera Beach. [redacted] was asked if she wanted to make money.

She was told she would have to provide a massage and should make $200.00. [redacted] thought about the offer and agreed to meet with Jeffrey. [redacted] (Unknown last name) and Tony (Unknown last name) picked her up and she was taken to Epstein's house. Upon her arrival at the house, she was introduced to Epstein in the kitchen of the house. She was also introduced to a white female known to her as [redacted]. She was led upstairs to the main bedroom known to her as Jeff Epstein s bedroom. [redacted] arranged the massage table and covered the table with a sheet. She brought out the massage oils and laid them next to the massage bed. [redacted] then left the room and informed her Jeff would be in a minute. Jeff entered the bedroom wearing only a towel. He lay on the table onto his stomach and picked massage oil for [redacted] to rub on him. During the massage, [redacted] stated, He tried to touch me and I stopped him. I asked how he tried to touch her. He grabbed her buttocks and she felt uncomfortable. [redacted] also stated Epstein has a vibrator, which is large and white in color. [redacted] told Epstein, I'll massage you but I don't want to be touched. [redacted] stated she performed the massage naked. At the conclusion of the massage, Epstein paid [redacted] $200.00 for the massage. He explained, I know you re not comfortable, but I'll pay you if you bring some girls. b6
He told her the younger the better. [redacted] stated she once tried to b7C
bring a 23-year-old female and Epstein stated that the female was too old. [redacted] was asked how many girls she brought in total to Epstein. [redacted] stated six that she can remember. [redacted] stated she brought [redacted] and the victim in this case.

I asked [redacted] which one was the youngest. [redacted] advised the victim was the youngest. [redacted] stated every girl she brought knew what to expect when they arrived. They were told they would provide a massage, possibly naked, and some touching. I asked her if the victim was aware. She stated every girl she brought knew what to expect. She explained she knew the victim wanted to make money. She approached the victim and explained about going to work for Jeff. The

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victim agreed and arrangements were made to bring the victim to Epstein's house on a weekend. [redacted] stated that she and [redacted] (later identified as [redacted] picked up the victim at the victim s house. They traveled to Epstein's House and entered through the kitchen door. They met with the house chef and Epstein s assistant [redacted]. The victim was introduced to Epstein while they were in the kitchen area. [redacted] led the victim upstairs and Epstein went upstairs. When the massage was over, the victim returned to the kitchen area. [redacted] stated she was paid $200.00 for bring the victim to Epstein's. [redacted] stated the victim told her she was paid $300.00 for the massage. Back in the vehicle, [redacted] asked the victim what happened. The victim told her about the massage and then they went shopping. [redacted] stated the victim was the last person she brought to Epstein. She further stated that she had changed her cellular number to avoid being contacted by [redacted]. She continued that when Epstein announces to his assistant that he is traveling to Palm Beach, [redacted] would contact [redacted] to arrange girls for Epstein. [redacted] later identified as [redacted] Date of Birth [redacted], had told [redacted] that Jeff likes to have his fun with the girls. b6 b7C

[redacted] stated that once her parents discovered that she was visiting Epstein, they disapproved of the encounters with him and she stopped. [redacted] further stated that [redacted] still tries to call the house and leaves messages. With the assistance of [redacted], we were able to identify [redacted]

Sgt Frick entered the room and explained that based on her own statements, she had implicated herself with bringing underage girls to Epstein's house. [redacted] was aware of what she had stated and wished to assist further in hopes to receive a lesser charge. [redacted] provided cellular telephone numbers for the girls she had mentioned previously. Additionally, she also provided possible addresses and areas in which they lived. As [redacted] was being taken home in the vehicle, a tape recorder was placed within the vehicle to record any conversations within the vehicle. During the drive back to her home, [redacted] made the comment I m like a Heidi Fliess. (Hollywood Madam who sent girls to clients for sexual favors in California). [redacted] was dropped off at her house without incident.

Sgt Frick and I went to [redacted] Florida in an attempt to speak with [redacted] We met with Mrs. [redacted]s Mother) at the front door. We explained the ongoing investigation and felt that [redacted] may have additional information as we had information that she had worked for Jeff. Mrs. [redacted] introduced us to her husband and allowed us entry into the home. We sat in the dinning room and met with [redacted] Date of Birth [redacted] As she was under the age of eighteen, Mrs. [redacted] was advised we would be speaking with her. She expressed, if her daughter had information she wanted to assist. As we interviewed [redacted] she denied having any inappropriate encounters with Jeff (Epstein). She stated she had gone to Jeff s

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House with [redacted] approximately eight months ago and sat in the kitchen with the house chef but nothing happened. As the parents were present during the interview, we felt that [redacted] was withholding information from us. She made several comments as to she has put the entire incident behind her. I left my direct telephone number and advised should she wish to speak with me again to telephone me. Sgt Frick and I thanked Mrs. [redacted] for her time and left the area. She stated she would ask her again after we left as to what happened at Epstein s house. I informed her that [redacted] had my telephone number and hopefully she would call. b6 b7C

Sgt Frick and I then attempted contact with [redacted] We met with [redacted] who stated [redacted] was her daughter. [redacted] was at the Wellington Mall and was not home. We explained the ongoing investigation and felt the [redacted] may have additional information as we had information that she had worked for Jeff. We left our phone numbers and asked her to telephone me upon her daughter's return. We then left the area.

On October 4, 2005, at approximately, 8:05 am, Sgt Frick had retrieved a voice mail message from [redacted] She stated she had spoken with her daughter and she had information as to what occurred at Jeff s house. I contacted [redacted] who stated her daughter was in the shower at the moment and would be traveling back to [redacted] to attend College. I informed her I would be en route to her home in [redacted] Det. Dawson and I drove to the [redacted] home and met with [redacted] During a sworn taped statement, [redacted] stated she was taken to the house by [redacted]. She was told she could make money working for Jeff. She was told she would have to provide a massage to Jeff. [redacted] stated upon her arrival to the house she was brought to the kitchen area by [redacted].

They met with the house chef and [redacted] stayed in the kitchen. She was introduced to [redacted], Jeff's assistant and was brought upstairs to the mater bedroom. [redacted] prepared the room and massage table for a massage. Epstein entered the room and she provided a massage. [redacted] stated she kept her clothes on during the massage. She stated sometime during the massage Epstein grabbed her buttocks and pulled her close to him. [redacted] said she was wierded out by the incident involving Jeff. At the conclusion of the massage, she was paid $200.00 for the massage. I asked [redacted] if she has any formal training in massages to which she replied no. I asked her if [redacted] received any monies for taking her to perform the massage. [redacted] stated [redacted] also received money for taking her there. [redacted] stated she went with [redacted] and another girl, [redacted] to Jeff's house once. [redacted] stated she waited in the kitchen with [redacted], while [redacted] was taken upstairs by [redacted]. [redacted] stated she only did the massage once, as she was wierded out by the whole experience. At the conclusion of the interview and the tape was stopped, I was informed that [redacted] had attempted to reach [redacted] via cell phone. A voice mail message on October 4, 2005 at 10:59 am, revealed a female voice who identified herself as [redacted] who requested her to call her back reference the

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police questioning. This voice mail message was recorded onto a micro cassette. [redacted] provided the incoming telephone number as [redacted] stated she inadvertently told [redacted] about the police investigation because [redacted] had called her to tell her about how she just received a rental car from Jeff Epstein. [redacted] had called her to tell her that she was given a rental car, a 2005 Silver Nissan Sentra, to utilize to visit family and visit Jeff. [redacted] asked her what was going on at the house that the police would be asking questions. [redacted] stated [redacted] then called Jeff and [redacted] and asked what was going on reference the ongoing police investigation. According to [redacted] [redacted] has since then been trying to contact her to ask about the police questions. I instructed [redacted] not to contact [redacted] and do not provide any more information to [redacted] as she would notify Jeff Epstein and [redacted] what was transpiring.

Investigation Continues...

********** N A R R A T I V E # 8 **********

NA Reported By: LEE, LA'MONT 10/07/05
Entered By.: ALTOMARO, NICKIE A. 10/07/05

On March 30, 2005, I was asked by Sgt. Daniel Szarszewski to begin conducting surveillance and trash pulls reference Detective Pagan conducting a criminal investigation involving Jeffrey Epstein. I was advised that Epstein was possibly engaging in sexual contact with young females.

On March 30, 2005, I made contact with Town of Palm Beach Sanitation Office Supervisor Tony Higgins and requested trash pulls for 358 El Brillo Way to begin on March 31, 2005.

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On March 31, 2005 at 9:20 a.m., I responded to the area of 358 El Brillo Way and met with Town of Palm Beach sanitation employee, Jeffrey Williams. I observed Williams enter the driveway of 358 El Brillo Way, collect the trash bags from Epstein's property and place the contents into an empty sanitation truck. I followed Williams to a nearby area, were he turned over seventeen white plastic trash bags, which were collected from Epstein's property.

I took the trash bags to the sanitation department were I sifted through its contents. I collected mail correspondence from Armani Exchange addressed to [redacted], Jeffrey E. Epstein notepaper with [redacted], an important message notepaper addressed to [redacted] dated 03/29/05 at 8:15 p.m. reference Peggy Seagal, U.S Airways boarding pass copy for passenger, Janusz Banasiak, Montgomery County, Maryland Health Department food service ID NO#40820 for Janusz Banasiak and Ghislaine Maxwell notepaper with names and phone numbers. Photocopies of the trash collected were attached with the supplement. Detective Pagan was advised of the contents that were collected for evidentiary value.

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On March 31, 2005, Sgt. Daniel Szarszewski requested that I set up a surveillance vehicle on El Brillo Way and conduct video surveillance of the front exterior of Epstein's residence. At 3:00 p.m., I set up a surveillance vehicle equipped with a video monitoring device. The surveillance vehicle was parked on El Brillo Way approximately fifty feet east of Epstein's driveway. The purpose of the video surveillance was to gather investigative intelligence by monitoring and recording all vehicle and pedestrian traffic entering and leaving Epstein's property.

The video surveillance tapes were changed daily with a new Maxell T-160 VHS tape. Video surveillance was established for Epstein s from March 31, 2005 through April 05, 2005. On April 05, 2005, video surveillance was concluded. I reviewed the video tapes and advised Detective Pagan the surveillance videos yielded no evidentiary value.

On April 01, 2005 at 9:30 a.m., I responded to the area of 358 El Brillo Way to meet with Town of Palm Beach sanitation employee, Jessie Jones. While parked in the area of 358 El Brillo Way waiting to collect Epstein s trash, I observed a white female, who I recognized as [redacted] from her Florida driver's license photograph. I made no contact with [redacted]. While parked in the area, I also observed Epstein s GMC Yukon truck leave the property as well as other vehicles arrive and park across the street from the property. The occupants of these vehicles appeared to be housekeepers, maintenance men, and gardeners.

At 9:38 a.m., I met with Town of Palm Beach sanitation employee, Jessie Jones. I observed Jones enter the driveway of 358 El Brillo Way and collect the trash from Epstein s property. I followed Jessie to a predetermined area at which time I collected the trash bags from the sanitation truck. I transported the trash bags to the sanitation department, where I sifted through its contents. I collected mail correspondences addressed to Jeffrey Epstein, automotive records and personal documents for Janusz Banasiak and [redacted] as well as Jeffrey Epstein notepaper with the names and appointment times for [redacted]. No last names or other personal information was written on the notepaper. b6 b7C

While sifting through Epstein s trash, I also collected a three-inch purple finger size object, which had a broken end. The object appeared to be a broke piece from a sexual toy similar to a (Cyclone Vibrator) possibly used for rectal gratification. The sexual object was photographed for Detective Pagan, packaged in a biohazard evidence bag (possible body fluids) and secured as investigative evidence. All items collected from Epstein s trash were turned over to Detective Pagan for evidentiary purposes.

On April 05, 2005 at 9:18 a.m., I met with Town of Palm Beach sanitation employee, Jessie Jones. I observed Jones enter the driveway of 358 El Brillo Way and collect the trash from Epstein s property. I followed Jessie to a predetermined area at which time I

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collected the trash bags from the sanitation truck. I transported the trash bags to the sanitation department, where I sifted through its contents. I collected mail correspondences addressed to Jeffrey Epstein as well as notepaper (Important Message) with names and telephone numbers. The following are items collected from Epstein s trash.

[redacted]
blank piece of white paper [redacted] b6
black paper [redacted] b7C
black paper
[redacted]
MSN Hotmail web page with email address [redacted]@hotmail.com)

The following items were documented for Detective Pagan s investigation for evidentiary purposes.

On April 06, 08, 11, 12, 13, 15, 2005, at approximately 9:30 a.m, I met with Town of Palm Beach sanitation employees. I observed the employee enter the driveway of 358 El Brillo Way and collect the trash from Epstein's property. I followed the employee to a predetermined area at which time I collected the trash bags from the sanitation truck. I transported the trash bags to the sanitation department, where I sifted through its contents.

All of the documents collected from Epstein's trash during my assistance were turned over to Detective Pagan for evidentiary purposes.

On June 14, 2005, Detective Michelle Pagan contacted me and advised that the airplane belonging to Jeffrey Epstein of 358 El Brillo Way was parked at the Palm Beach International Airport.

Detective Pagan requested that I begin trash pulls for the purpose of gathering evidence and intelligence.

I made contact with Town of Palm Beach Sanitation Office Supervisor Tony Higgins and requested trash pulls for 358 El Brillo Way to begin on June 15, 2005.

On June 15, 2005, I met with a sanitation employee. I observed the employee enter the driveway of 358 El Brillo Way and collect the trash from Epstein s property. I followed the employee to a predetermined area at which time I collected the trash bags from the sanitation truck. I transported the trash bags to the sanitation department, where I sifted through its contents. The trash yielded negative results and no evidence was collected.

No further trash was collected throughout the week due to the fact that Epstein s security gates remained closed throughout the week; therefore, the sanitation employees were unable to gain access onto the property for collection of the trash.

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All evidence and intelligence gathered by this officer has been turned over to the detective bureau and no further action has been taken by this officer.

End of supplement.

********** N A R R A T I V E # 9 **********

NA Reported By: RECAREY, JOSEPH 10/07/05
Entered By.: ALTOMARO, NICKIE A. 10/10/05

On October 4, 2005, I made telephone contact with [redacted] who had left several messages on voice mail. During the message, she advised she was not completely truthful when we met in person but would like to speak with me to advise what had happened. She further advised she did not want to speak of this incident in front of her mother. At approximately 15:48 pm, I made telephone contact with [redacted] During a taped recorded statement, [redacted] stated the following: Approximately a year ago, when she was sixteen years of age, [redacted] took her to Jeff's house twice. The first time she went, [redacted] drove to the house. They entered through the kitchen area where she was introduced to [redacted] and Jeff. She was taken upstairs to a bedroom by [redacted] who set the room up with a massage bed and brought out the oils to use. Jeff then entered the room wearing a towel. He lay on the table and picked out a lotion for [redacted] to rub on him. At one point during the massage, he tried to remove her shirt at which point she became very upset and discontinued the massage. Both [redacted] and Jeffrey had a verbal disagreement at which time she left without being paid. She met with [redacted] who was sitting in the kitchen and told her let's go. [redacted] advised she received no money for that day. [redacted] also said that [redacted] had told her if she was uncomfortable with what was going on, to let him know and he'll stop. She knew that the more you do the more you are paid.

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Several weeks later, [redacted] advised she agreed to be taken a second time by [redacted]. Once they arrived at the residence, [redacted] sat in the kitchen and [redacted] took her upstairs to the master bedroom again. [redacted] set the room up with a massage bed and brought out the oils to use. Jeff then entered the room wearing a towel. He lay on the table and picked out a lotion for [redacted] to rub on him. At one point during the massage, he tried to touch her buttocks. As [redacted] was wearing tight jeans and had a tight belt on Jeff was unable to touch her buttocks. Jeff then rolled onto his back during the massage; he attempted to touch her breasts. [redacted] then became upset again and told him she didn't want to be touched. [redacted] discontinued the massage and was paid $200.00. [redacted] then went downstairs where [redacted] was waiting for her. She told [redacted] she wanted to leave. [redacted] said she never returned to the house. [redacted] stated she is aware that her friend, [redacted] was also at the house and had a problem with Jeff. She provided a telephone number

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for [redacted] The interview was concluded and the micro cassettes were turn in as evidence.

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On October 5, 2005, I researched the incoming telephone number that had left [redacted] a message. The telephone number, [redacted] was assigned to ATT/Cingular Cellular service. I prepared a subpoena request and faxed the request to the State Attorney s Office. Information requested was subscriber information as well as all incoming and outgoing calls for the months of September and October 2005.

I later researched [redacted] and discovered she resides in Royal Palm Beach. Det. Dawson and I drove to Royal Palm Beach and met with [redacted] at her residence [redacted] in Royal Palm Beach.

[redacted] agreed to speak with us in the kitchen area. During a sworn taped statement, [redacted] stated the following: On or about November 2004, she was approached by [redacted] and asked if she wanted to make money. She agreed and was told she would provide a massage to wealthy man in Palm Beach. [redacted] picked her up and drove her to a house in Palm Beach. She was brought into the kitchen area of the house. She further stated that [redacted] went with them. They were brought into the kitchen where she was introduced to Jeff and other females. [redacted] stated she was introduced to a helper of Jeff; the female was described as white female (unknown name), with blond hair. She stated that the assistant was familiar with [redacted]. The assistant set up the massage table and put out lotions to be used. She told [redacted] Jeff would available in a minute. Jeff entered the room wearing only a towel. Jeff lay on the massage table and picked a lotion to rub on his thighs and back. [redacted] further stated that during the massage Jeff asked her to remove her clothes. She complied and removed her pants and blouse. [redacted] didn't remember if she had removed her bra but feels that she did. [redacted] was certain that she stayed in her thong underwear. [redacted] continued the massage and at one point she straddled him to massage his back, which touched his buttocks with hers. [redacted] was instructed to return to the ground at which time Jeff turned to have his chest rubbed. [redacted] advised it was at this time she is sure he was masturbating. [redacted] did not want to look at his penis area because she was uncomfortable. Jeff removed a large white vibrator and turned it on. [redacted] stated he began rubbing the vibrator over her thong underwear on her vaginal area. Shortly thereafter, Jeff ejaculated and removed himself from the table. He walked over to where the shower was and opened the glass door. She waited as he was taking a shower in her direct view. When I asked [redacted] how old she was when this occurred, she stated she had just turned seventeen. At the conclusion of the shower, [redacted] was paid either $350.00 or $400.00. She stated she wasn't sure, but knows it was close to $400.00. At the conclusion of the interview, [redacted] stated she never returned to provide a massage for Jeff. She advised she was ashamed and uncomfortable with the situation.

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Det. Dawson and I then left the area and responded to the [redacted] where [redacted] and all the above-mentioned girls had attended. I met with School Police Officer, Off Williams. I explained I was looking for a previous student who attended [redacted]. I inquired about [redacted] I further explained that I was working a case in which most of the girls I have interviewed are either witnesses or victims and felt that [redacted] may be one as well. Officer Williams researched his previous student records and found [redacted] She attended the same year and graduated in the same year as the other girls. I was provided the last known address of [redacted]

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At approximately 2:10 pm, Det. Dawson and I met with [redacted] at her residence, [redacted] in Royal Palm Beach. As [redacted] was only seventeen years of age, I had notified her mother, [redacted] that she would be interviewed reference an ongoing investigation in Palm Beach. I assured her that her daughter was not a suspect. I explained the possibility of her being either a witness or victim. Mrs. [redacted] advised she wanted [redacted] to cooperate and consented to the interview. During a sworn taped statement, [redacted] stated the following: at the age of sixteen, during the month of September 2004, she was approached by [redacted] for a chance to make money. [redacted] was friends with the friends of [redacted] and knew the same people. [redacted] had been previously told by her friends what [redacted] did for Jeff. [redacted] called a person known to [redacted] as [redacted] and scheduled the appointment. [redacted] picked [redacted] up and drove her to Palm Beach to a street called Brillo Way. They drove to the end of the street and entered a large driveway. They entered the kitchen area of the house and met with Jeff. [redacted] was introduced to Jeff. [redacted] led [redacted] upstairs to the main bedroom area and set up the room with a massage table and set out the oils. [redacted] dimmed the lights and turned on soft music. [redacted] exited the room and Jeff entered the room wearing only a towel. Jeff picked oils and instructed her to rub his legs, under his buttocks, back and chest area. Jeff asked her to get comfortable. [redacted] advised she did not remove her clothes. She was wearing tight jeans and a cropped tank top exposing her belly area. During the massage, Jeff removed his towel. As [redacted] rubbed his chest area, Jeff attempted to reach down her pants through the buttocks area, however was unable to due to the tightness of the jeans and a tight belt. [redacted] advised Jeff began to masturbate as she rubbed his chest. Jeff moaned as she rubbed his chest. She observed he was continuing to masturbate and attempted to reach up her tank top and touch her breasts. [redacted] pulled back and Jeff stopped. However, he kept masturbating until he climaxed. He cleaned himself with the towel he was previously wearing. I asked [redacted] if she knew the difference between circumcised and not circumcised. She explained she knew and advised Jeff was circumcised. [redacted] was paid $200.00 for the massage and left the area. She met with [redacted] who was waiting in the kitchen area and left the house.

[redacted] then explained she never provided another massage for Jeff. She did however, go to the house with [redacted] and [redacted] as they

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took another friend of [redacted]. [redacted] advised she was present when [redacted] went to work for Jeff. She advised she rode over and sat in the kitchen area with [redacted] to wait for [redacted] advised that while they waited for [redacted] the house chef prepared lunch for them, as it was almost lunchtime. As [redacted] was finished with the massage, they left the area. I asked [redacted] if [redacted] ever told what would be expected of her when she provided a massage. [redacted] stated yes, [redacted] told her that a massage would be expected possibly naked and possibly some touching involved. [redacted] has no formal training in providing massages.

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[redacted] spoke about a third and last time she went to Jeff's house. [redacted] drove another girl, [redacted] who is [redacted] friend, to Jeff's house. [redacted] stated she knew that [redacted] had made money providing girls for Jeff and she wanted to do the same. [redacted] took them in the kitchen area of the house and introduced [redacted] to [redacted]. [redacted] and [redacted] took [redacted] upstairs to the main bedroom. [redacted] advised she doesn t know what happened as [redacted] did not speak about what happened in the room. [redacted] received $100.00 from [redacted] for going with her to Jeff s house and recommending [redacted] was unable to remember [redacted] telephone number. The interview was concluded and we left the area.

Investigation Continues...

********** N A R R A T I V E # 10 **********

NA Reported By: RECAREY, JOSEPH 10/09/05
Entered By.: ALTOMARO, NICKIE A. 10/10/05

On October 6, 2005, Det. Dawson and I went to [redacted] located in [redacted]. We met with Dean of Students, [redacted]. I explained to [redacted] that we were investigating a crime within the Town of Palm Beach and felt that a student, [redacted] may have information. [redacted] confirmed that [redacted] is a student and currently [redacted]. She was in computer class at the time of our arrival. [redacted] sent a security guard to locate [redacted] in class and bring her to the office. [redacted] allowed us to interview [redacted] in an empty conference room.

At 11:45 am I met with [redacted] and explained to her why we there to interview her. She advised she was aware of the ongoing investigation. [redacted] stated she had previously spoken with [redacted] who told her she was interviewed by detectives. During a sworn taped statement, [redacted] stated she knew that [redacted] worked for Jeff in Palm Beach. [redacted] advised she has been there many times for massages. I asked her if she had formal training in providing massages, [redacted] stated she did not. [redacted] advised she was told what was expected of her by providing massages and would have to remove clothing but if she felt uncomfortable just to say so and Jeff would stop pushing the issue. [redacted] began providing massages and advised she kept her clothes on. She considered Jeff a pervert who kept

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pushing to go further and further. [redacted] explained she would keep telling him she had a boyfriend and that it would not be right to her boyfriend. It wasn t until recently [redacted] admitted to removing her clothes and staying in her thong underwear to provide a massage. [redacted] explained Jeff wanted to be rubbed on his back and recently he began turning over to have her rub his chest as he masturbated. He would try to touch her breasts as she rubbed his chest. [redacted] stated, Jeff would try to get away with more and more on each massage. Originally, [redacted] drove her to the house for the original massage. [redacted] left [redacted] her cell phone number and every time Jeff would come into town, [redacted] would call her for an appointment. Each time she went, [redacted] would meet her at the kitchen door area. She would bring her upstairs and prepare the massage table. [redacted] advised Jeff would ask her questions about herself. He knew she was [redacted] and would be attending [redacted]. I asked [redacted] if he knew her real age, [redacted] stated Jeff didn t care. The most recent massage she provided was on October 1, 2005. During the massage she asked Jeff if she could borrow one of his vehicles to visit her family and boyfriend in [redacted]. Jeff had told she could borrow one of his vehicles but later stated he would rent her a car. She continued with the massage as Jeff grabbed her buttocks and caressed the buttocks cheeks. I asked [redacted] if she was wearing undergarments to which she replied her thong underwear. Once he tried to touch her breasts she would pull away from him and he would stop. [redacted] was asked if he ever used a vibrator on her. [redacted] was aware of the vibrator but advised she never would allow him to use the vibrator on her. She described the vibrator as a large white vibrator with a huge head on the tip of the vibrator. She stated he kept the vibrator in a closet near the massage table. [redacted] advised she had been doing the massage for approximately two years, which meant she would have started doing massages for Jeff at the age of sixteen.

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[redacted] stated she was contacted by [redacted] on October 3, 2005. [redacted] had informed her that Jeff had rented her a new Nissan Sentra and she should come by the house to pick it up. [redacted] informed [redacted] she would have the car for a month. [redacted] stated Jeff knew her car was not working properly and had missed appointments in the past because of her car being inoperable. [redacted] explained the car is currently parked next to the Gym field. I asked her if she ever took any one to the house. [redacted] explained she took [redacted] a friend of hers who has returned to Orlando to attend college. I asked she ever allowed another female in the room. [redacted] advised no one was brought into the room with her. At the conclusion of the interview, Det. Dawson and I went to the Gym area and located the Silver Nissan Sentra bearing Florida tag X98-APM. The vehicle is registered to Dollar rent a car out of the Palm Beach International Airport.

Telephone contact was made with [redacted] the victim's mother, at [redacted] I explained to her that I was following up on this case and provided a complete update on the case.

Investigation Continues.

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********** N A R R A T I V E # 11 **********
NA Reported By: RECAREY, JOSEPH 10/21/05
Entered By.: ALTOMARO, NICKIE A. 10/21/05

On October 10, 2005, at approximately 2:30 p.m., I made telephone contact with [redacted] During a taped conversation, [redacted] was told of an ongoing investigation in which I felt she had information pertaining to Jeffrey Epstein. [redacted] explained she met Epstein when she was just sixteen years of age. She was approached by [redacted] [redacted] a friend who also had previously gone to Epstein's house for massages. [redacted] advised she was working at the Wellington Mall when she was approached. [redacted] told her that she would have to provide a massage to Epstein and she would have to perform this massage naked. [redacted] thought about the offer and stated she could make $200.00 for only 30 minutes of work. She agreed to perform the massage and [redacted] set the appointment for her that same day. [redacted] remembered it was a weekend as she only worked at the mall on the weekends. [redacted] took her to the house where she was introduced to [redacted], Jeff Epstein's assistant. [redacted] took her upstairs to a master bedroom. [redacted] explained that as she was walking up the stairs she observed several photographs of naked women along the walls and tables of the house. [redacted] further explained that she was brought into the bedroom where [redacted] prepared the room by setting up the massage table and provided the oils for her to rub on Epstein.

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Epstein entered the room and introduced himself. Epstein lay on the table and told her to get comfortable. [redacted] could not remember if he was naked or if he entered the room with a towel. [redacted] stated she provided the massage wearing only her panties. She continued rubbing his legs, thighs and feet. [redacted] advised he turned over onto his back. She continued to rub his legs with the oils. Epstein touched her breasts and began to masturbate. I asked [redacted] if she knew what circumcised and un-circumcised meant. [redacted] stated circumcised is when the penis has no foreskin and the head of the penis is visible. [redacted] said Epstein is circumcised. [redacted] began to cry on the telephone and stated she had been to his house hundreds of times over a two-year period. She claimed to have made thousands of dollars during her visits. [redacted] stated she could not remember how many times exactly she went to Epstein's home but said it was a lot.

[redacted] became more upset, crying hysterically and stated she was paid and instructed to have sex with Epstein's assistant, [redacted] by Epstein. Epstein continued to watch them have sex and masturbated himself as they had sex with each other. She further stated that things escalated further and further. Epstein used sexual toys such as vibrators, rubber penises and strap-on penises on [redacted] Additionally, [redacted] stated he performed oral sex on her numerous times. She claimed he (Epstein) put his fingers inside her vagina while he masturbated in an attempt to make her climax. [redacted] could not continue and wanted some time to regain her composure. I explained to [redacted] to take her time. After taking several minutes to regain her composure I

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explained that I would travel to meet with her in person as I felt she had additional information to provide. I met with Sgt. Frick and explained the importance to meet with [redacted] in person. Sgt. Frick agreed and made arraignments for Det. Dawson and I to meet with [redacted] in Jacksonville, Florida. b6 b7C

On October 11, 2005, at 4:10 p.m., Det. Dawson and I met with [redacted] and her friend, [redacted] in Jacksonville, Florida. [redacted] wanted to have [redacted] present for support. I explained to her that I did not have a problem as long as she wanted [redacted] present during the interview. [redacted] stated she wanted her present. I explained that as [redacted] was present she was not allowed to comment or ask any questions during the interview. She was only there to comfort [redacted] should the interview upset her.

During a sworn taped statement, [redacted] explained how everything began. She said she was brought through the kitchen area where she met [redacted] for the first time. She was led to the master bedroom, Epstein s room. [redacted] explained that as she was walking up the stairs she observed several photographs of naked women along the walls and tables of the house. [redacted] further explained that she was brought into the bedroom, where [redacted] prepared the room by setting up the massage table and provided the oils for her to rub on Epstein. [redacted] explained she remembered the steam room area, which contained two large showers. Epstein entered the room from the steam room area and introduced himself. Epstein lay on the table and told her to get comfortable. [redacted] removed her skirt and kept her shirt on. She could not remember if he was naked or if he entered the room with a towel. Epstein then instructed her to remove her shirt. [redacted] removed her shirt and remembered she was not wearing a bra. [redacted] stated she provided the massage wearing only her panties. She continued rubbing his legs, thighs and feet. [redacted] advised he turned over onto his back. She continued to rub his legs with the oils. Epstein touched her breasts and began to masturbate. Epstein ejaculated which meant the massage was over. At the conclusion of the massage, [redacted] was paid $200.00. They walked together downstairs where [redacted] and [redacted] were waiting. [redacted] stated [redacted] received an unknown amount of money for taking her to Epstein. Epstein instructed to leave her cellular telephone number so that he could contact her when he is in town.

[redacted] explained that she continued to go to Epstein s house and became a regular at the house. She could not provide an exact number but claimed she had been their hundreds of times. She claimed sexual activities did not occur every time she was there. There were times she went to dinners and parties with Epstein. [redacted] explained that things began to escalate more than the massage. The encounters included bringing in his assistant, [redacted]. [redacted] explained Epstein had purchased her from her family in [redacted]. Epstein bragged he brought her into the United States to be his [redacted] sex slave. [redacted] advised he was naked in the bedroom, she entered and removed her clothing. [redacted] entered the room from the steam room area already naked. He instructed [redacted] to perform oral sex on

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[redacted] . [redacted] refused to perform that act. Epstein offered her an additional $200.00 for her to perform oral sex on [redacted] for five minutes. [redacted] agreed to perform the oral sex for the additional $200.00. [redacted] explained that Epstein would masturbate while he watched them perform sexual acts. b6 b7C

Things continued to escalate by purchasing sex toys. [redacted] stated she had massagers, vibrators and strap on rubber penises used on her. Each time something new was introduced additional monies were produced and offered for [redacted] to allow the acts to happen. [redacted] was adamant that she performs all these acts but there was an understanding with Epstein that no vaginal penetration would occur with his penis. [redacted] explained that Epstein's penis was deformed. [redacted] explained that his penis was oval shaped. She claimed when Epstein's penis was erect, it was thick toward the bottom but was thin and small toward the head portion. She called it egg-shaped.

[redacted] continued that the sexual encounters with [redacted] Epstein and her became a ritual. [redacted] would arrive at the house and walk herself upstairs, where [redacted] and Epstein were waiting. [redacted] would remove her clothing and join them on the bed. [redacted] explained [redacted] and she would begin by kissing and touching each other. [redacted] explained sex toys were brought into the bed by either Epstein or [redacted] and they would begin using the toys on each other. Epstein would perform oral sex on either person depending who was on top during the intercourse. [redacted] explanation revealed they were in a missionary position.

[redacted] advised one day, ([redacted] was unable to state and exact date when this incident occurred), she came to the house after [redacted] had informed her that Epstein had arrived. She arrived at the house and went upstairs to the master bedroom. [redacted] advised she immediately removed her clothing, as [redacted] and Epstein were already naked in the bedroom. [redacted] explained that [redacted] and she had a sexual encounter to include kissing, touching and oral sex. [redacted] remembered that she climaxed and was removing her self from the massage table. [redacted] asked for a sheet of paper and drew the massage table in the master bathroom and where Epstein, [redacted] and she were. Epstein turned [redacted] on to her stomach on the massage bed and inserted his penis into her vagina. [redacted] stated Epstein began to pump his penis in her vagina. [redacted] became upset over this. She said her head was being held against the bed forcibly, as he continued to pump inside her. She screamed no, and Epstein stopped. She told him that she did not want to have his penis inside of her. Epstein apologized for his actions and subsequently paid her a thousand dollars for that visit. Additionally, shortly thereafter, Epstein gave [redacted] a 2005 Doge Neon, blue in color for her personal use.

[redacted] advised there were times that she was so sore when she left Epstein's house. [redacted] advised she was ripped, torn, in her vagina area. [redacted] advised she had difficulty walking to the car after leaving the house because she was so sore. [redacted] advised that other

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than that one time, when Epstein inserted his penis inside her vagina, there was no other penile intercourse.

[redacted] provided names of girls that she knew of that have gone to Epstein's house. [redacted] provided the name of [redacted] and feels she still may be going to the house to massage Epstein. According to [redacted] is still sucking his dick." b6 b7C

When asked if she had been recently contacted by anyone of the house, [redacted] advised she received an email from [redacted], from [redacted].net, which is her email account. The email was just a hello, how are you doing type of email. There had been no other contact from the house. The interview was concluded and [redacted] left the area. The tapes and drawing were submitted into evidence.

Investigation continues...

********** N A R R A T I V E # 12 **********

NA Reported By: RECAREY, JOSEPH 11/01/05
Entered By.: ALTOMARO, NICKIE A. 11/07/05

On October 12, 2005, Det. Dawson and I traveled to the Orlando area and made telephone contact with [redacted] agreed to meet with us as we were in the Orlando area. [redacted] provided directions to her apartment. Det. Dawson and I met with [redacted] who stated, during a sworn taped statement that nothing happened between her and Epstein. [redacted] appeared nervous during the interview. I assured her that I had spoken with other people who advised differently. [redacted] stated she only went a couple of times and provided a massage to Epstein. She stated she was brought to the Epstein house in March of 2005. [redacted] brought her to work. [redacted] has no formal training in providing massages. [redacted] stated she provided a massage, fully clothed for $200.00. As I sensed hesitancy in her answers, I asked [redacted] if she had been contacted by anyone from the house. [redacted] stated she was interviewed already by an investigator for Epstein. He met with her on October 8, 2005, at a Roadhouse in Orlando. He identified himself as Paul and inquired about the police investigation and left his telephone number [redacted] for additional contact. [redacted] provided no additional information, as it appeared her responses were almost scripted. We left the area and returned to Palm Beach Police Department.

Based on the information acquired during the interviews, a search warrant was prepared for entry at the Epstein home. On October 18, 2005, I met with Judge Laura Johnson who reviewed the warrant request. She found there was sufficient probable cause and signed the warrant request. On October 20, 2005, at approximately 9:36 am, members of the Palm Beach Police Investigations Unit executed the search warrant at 358 El Brillo in Palm Beach. Members of the Investigations Unit included Capt Gudger, Sgt Frick, Det. Dicks, Det. Dawson, Det. Melnichok, Det. Sandman, Det. Krauel, the crime scene unit and myself.

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As we entered onto the property, we encountered the house manager, Janusz Banasiak who was in the guest portion of the house. The guesthouse section had open doors and no forced entry was made. I made contact with Banasiak, Date of Birth [redacted] Fl DL [redacted] and informed him of the search warrant for the premises. The members of the Police Department entered the residence and announced we had a search warrant. A safety search was done and members exited the home. I read the search warrant to Banasiak as Mgr Parkinson videotaped the search warrant execution. Several interior decorators were located on the property. I spoke with Mark Zeff, of [redacted] in New York. Mr. Zeff stated he is the designer for Mr. Epstein's homes. He advised he was contacted in March of 2005 to do a complete overhaul on the house. He advised he was on the phone with Mr. Epstein when officers announced the search warrant. Mr. Epstein was then made aware of the search warrant. Mr. Zeff advised, his contact with Epstein is strictly business and he has never witnessed Epstein with any girls except for his assistants, [redacted] or [redacted]. b6 b7C

I then interviewed Daniel Estes, of [redacted] in New York. Mr. Estes stated he has worked for Zeff for seven years. He advised he personally worked on the New York and Palm Beach home for Mr. Epstein. He has previously met with [redacted], Epstein's assistants in New York and in Florida. Estes stated they travel with Epstein everywhere he goes.

I interviewed Zara Bailey of [redacted], New Jersey. Bailey stated she just arrived from Scotland and has worked with Zeff for only one month. She stated she has never met Epstein and has not seen him. The interview was then concluded.

I then spoke with Douglas Schoettle of [redacted] in New York City. Schoettle stated he has been Epstein's Architect for seven years. He further stated he deals with Epstein's assistants and speaks with Epstein on the phone. Schoettle stated he mainly speaks with [redacted], Epstein s main assistant, who travels with Epstein. Schoettle stated he only has contact with Epstein when his services are needed.

At approximately 10:30 am, I was informed that the videotaping was concluded. I entered the residence and located two covert (hidden) cameras. The first camera was a covert wall clock in the garage area. I traced the wire behind the clock and removed the RCA wire and unplugged the camera. The other covert camera was located within a desk clock beside Epstein's desk. I traced the wire behind the clock and unplugged the RCA wire. I could not locate another camera. I then began with the search of the residence for the specified evidence.

My search consisted of the second floor. Det. Krauel and I began in the master bedroom area where several items were located. They were

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marked to be retrieved by the evidence custodian. In the master desk with Epstein's notepads marked Jeffrey Epstein we located a high school transcript from [redacted] for [redacted] Also in the room, was the dresser /armoire where we located a bottle of peach flavored Joy Jelly (Sexual Lubricant). Additionally, there were several photographs of young naked teenage girls within the closet, which was consistent with what the witnesses said. The massage table was also located within the master bedroom. Video tapes were located beside the television, which were also collected. An itemized list of the property and locations was prepared on the property receipts. At approximately 2:55 pm, the house was secured; the exit of the residence was videotaped. Upon our exit of the property, I encountered Atty. Guy Fronstein who advised he was representing Mr. Epstein. He provided a business card and provided his assistance with the investigation. b6 b7c

Due to Hurricane Wilma, which struck South Florida causing massive power outages, the courthouse was closed due to the lack of power. I was previously told that the Chief Judge had extended the filing deadlines due to the hurricane and the Courthouse being closed. On October 27, and 28, 2005 the courthouse was closed and I could not file the search warrant and inventory at the clerk's office. On October 31, 2005, I responded to the courthouse and filed the paperwork along with an order to seal, signed by Judge Johnson, to deny any release of any paperwork on this case.

INV CONTINUES..

********** N A R R A T I V E # 13 **********

NA Reported By: PARKINSON, GREGORY A. 10/20/05
Entered By.: ALTOMARO, NICKIE A. 11/07/05

On October 20, 2005, at approximately 8:30 a.m., Thursday morning, I was advised by Captain Gudger that a search warrant would be executed and that I was to assemble the Crime Scene Investigative Team and stand by the south side of the building ready to go. I designated Evidence Specialist Annette Badger to handle the inventory return, the documentation of the property receipts and the collection and bagging of the evidence at the scene. I further instructed CSI Kim Pavlik, ID # 8807, to accompany us and perform the role of photographing the scene and the items that may be taken into custody by the affiant, Detective Joseph Recarey, ID # 7915.

My responsibility was to go through from the reading of the warrant to the final exit from the residence and perform a video recording of the reading of the warrant, the initial walk through of the residence showing the current condition and then finally a walk through of the residence at the time of the police exit.

We started out towards the residence, which was located at 358 El Brillo and arrived at approximately 9:33 a.m. The search was conducted, items were collected by Evidence Specialists Badger,

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photographed by CSI Pavlik and then videotaped by myself. The search was concluded at approximately 3:05 p.m. whereupon Detective Recarey and I were the last two officers in the house. Upon securing the residence we met with the gentleman who identified himself to Detective Recarey as the lawyer for the defendant and he was informed that the residence was secured and that copies of the inventory return had been left on the first floor table of the personal assistant's office.

Detective Recarey and I returned to Police Headquarters and secured for the day.

********** N A R R A T I V E # 14 **********

NA Reported By: DAWSON, MICHAEL C. 11/07/05
Entered By.: ALTOMARO, NICKIE A. 11/07/05

On October 20, 2005, I assisted Defective Recarey in the execution of a search warrant at 358 El Brillo Way, Palm Beach, Florida, 33480.

Upon the announcement of the search warrant, immediate contact was made with three white males who came out of the house or surrounding structures. Those males were identified as Janusz Banasiak, Daniel Estes, and Mark Zeff. As other members of the police department cleared the home, I kept watch over these three males. Once the house was cleared, those males were turned over to Detective Recarey.

Detective Dicks and I were assigned to assist in the search of the main house, the cabana and the servant's quarters. We started in the garage. All areas of the garage were searched to include four vehicles. These vehicles were three black Mercedes Benz cars registered to Jeffrey Epstein. The fourth vehicle was a Harley Davidson motorcycle, green in color, registered to Jeffrey Epstein. Nothing was recovered from the garage.

A towel closet and pantry located off the kitchen were searched and yielded negative results.

The kitchen was searched and taken into evidence was a phone message book that was located near a house phone.

North of the kitchen was an office room which contained a computer. The room had a closet that contained a locked gun locker. The combination was entered by Banasiak in the presence of Sgt. Frick and the safe was opened. Items were taken from the room. See the completed property receipt for a detailed list.

A green bathroom located on the first floor was searched and nothing was taken.

A closet located just west of the green bathroom was searched. Two massage tables were located in the closet along with a photo of a nude

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female from the waist up. See the property receipt for details.

I searched two bedrooms and their adjoining bathrooms, which were located on the second floor on the East side of the house. In the Northeast bedroom closet I found adult sex toys called Twin Torpedoes. Soap made in the shape of a penis and vagina were also found in these upstair bedrooms. See the property receipt for details.

I searched the pool cabana located on the South side of the pool. Photos were taken from the wall. See the property receipt for details.

I assisted in the search of Banasiak's living quarters. Numerous CD s along with a message book was seized. See the property receipt for details.

********** N A R R A T I V E # 15 **********

NA Reported By: RECAREY, JOSEPH 11/08/05
Entered By.: ALTOMARO, NICKIE A. 11/08/05

On November 1, 2005, I was contacted by Atty. Gus Fronstin, who advised he was willing to assist with the investigation. Atty. Fronstin advised he would try to have his client, Jeffrey Epstein available to be interviewed. I explained I would be interested in conducting an interview with his client as well as other employees that are employed within the house. Atty. Fronstin advised he would return my call once he received confirmation on the interviews.

On November 6, 2005, I attempted contact with [redacted] at her residence. I left a business card for her to return my call. Upon returning to the police department, I had received a telephone call from [redacted] I returned her call at [redacted] and spoke with [redacted] She made arrangements to respond to the station to provide an interview. At approximately 3:30 pm, she arrived at the Palm Beach Police Station with her boyfriend. Her boyfriend was allowed to sit in the lobby area while [redacted] was interviewed. b6 b7C

I took [redacted] to the Detective Bureau Interview room. I closed the door for privacy and explained to her that I appreciated her coming to the police station for the interview. During the sworn taped statement, she advised she was at Jeffrey Epstein s house one time. Approximately two months ago, she was approached by a girl, [redacted] who was dating her roommate, to make some quick money. [redacted] advised she was in need to make some quick cash to make the rent that month. She agreed to go to the house. She had been told by [redacted] that the massage would have to be done in her underwear. She advised [redacted] drove with her and brought her into the house. They walked into the kitchen area and took the stairs upstairs. [redacted] further stated she was brought into a master bedroom area. She advised she recalled seeing portraits of naked women throughout the room. A massage table was already out near the sauna/shower area in the master bedroom. Epstein entered the room wearing only a towel and

Case No. . . . : 1-05-000368 (Continued)

introduced himself as Jeff. [redacted] advised she recalled she and [redacted] removed their clothing down to their panties, Epstein lay on his stomach area and they provided a massage on his legs and feet area. I asked [redacted] if she had any formal massage training and she replied no. [redacted] advised she was topless and the panties she wore were the boy shorts lace panties. She and [redacted] continued the massage until the last ten minutes of the massage, Epstein, told [redacted] to leave the room so that [redacted] could finish the massage. b6 b7C

[redacted] got dressed and Epstein turned over onto his back. Epstein then removed the towel, which had been around his waist. Epstein laid there naked and requested that [redacted] rub his chest area. [redacted] stated as she did this, Epstein, began masturbating as she rubbed his chest. [redacted] stated he pulled down her boy short panties and he produced a large white vibrator with a large head. She stated it was within a drawer in his master bathroom. He rubbed the vibrator on her vagina area. [redacted] advised he never penetrated her vagina with the vibrator.

He continued to rub her vagina with the vibrator as he continued to masturbate. [redacted] stated she was very uncomfortable during the incident but knew it was almost over. Epstein climaxed and started to remove himself from the table. He wiped himself with the towel he had on previously and went into the shower area. [redacted] got dressed and met with [redacted] in the kitchen area. Epstein came into the kitchen and provided [redacted] $200.00 for bringing [redacted] and paid $200.00 to [redacted] for providing the massage. [redacted] was told to leave her telephone number with [redacted], his assistant for future contact. [redacted] provided her cellular telephone number for future contact. [redacted] was asked if she was recently contacted about this investigation by anyone from the Epstein organization. She replied she was called but it was for work. She stated she was called by [redacted] for her to return to work for Epstein. [redacted] stated work is the term used by [redacted] to provide the massage in underwear. [redacted] advised she declined, as she was not comfortable in providing that type of work. The interview was concluded and the videotape was placed into evidence.

Investigation Continues..

********** N A R R A T I V E # 16 **********

NA Reported By: RECAREY, JOSEPH 11/10/05
Entered By.: ALTOMARO, NICKIE A. 11/10/05

On November 7, 2005, I made telephone contact with [redacted] who advised she would be able to meet with me at her home. Det. Sandman and I traveled to her home in Royal Palm Beach and made contact with [redacted]. During a sworn taped statement, [redacted] stated she met Jeffrey Epstein through [redacted]. [redacted] would approach females who wished to work for him. [redacted] stated she was asked to work for him but declined. [redacted] explained that work means give massages. She was asked about any formal training in providing massages to which she said no. [redacted] said she accompanied [redacted] and other females

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who were taken to Epstein s house to provide massages. [redacted] further stated she had been to the house approximately 4 or 5 times in the past year. She accompanied [redacted] with [redacted] the 14-year-old victim, and [redacted] Each time the girls were taken over, they were previously told they would have to provide a massage, possibly naked. It was also told that should Epstein require them to do anything extra and they were not comfortable just to tell him and he would stop. [redacted] stated [redacted] received $200.00 for each girl she brought over to massage Jeffrey Epstein. When I asked which girl appeared to be the youngest, she replied, the victim, as she stated she was fifteen years old at the most; she looked really young. [redacted] further stated each time she went to the house, she sat in the kitchen and waited with [redacted] until the massage was over. She further stated that the cook would make lunch or a snack for them as they waited. I asked her if there was anything that caught her attention within the home. [redacted] stated there were a lot of naked girls in photographs throughout the house. The interview was concluded and the tape was turned into evidence.

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b7C

Investigation Continues..

********** N A R R A T I V E # 17 **********

NA Reported By: RECAREY, JOSEPH 11/10/05
Entered By.: ALTOMARO, NICKIE A. 11/10/05

Det. Dawson and I attempted contact with [redacted] in Royal Palm Beach. I left my business card at her front door. [redacted] returned my call and arranged a meeting with me at the Palm Beach Police Department for November 8, 2005. At approximately 2:00pm, [redacted] arrived at the Palm Beach Police Department. She was brought into the interview room and the door was closed for privacy. She was told that I appreciated her coming to the police station for questioning regarding an on going investigation. She was told that I was investigating a crime involving Jeffrey Epstein and knew, based on the investigation, that she had encounters with him in the past. During a sworn taped statement, [redacted] stated she had met Epstein approximately two years ago. She was first introduced to Epstein by [redacted]. [redacted] approached her about working for Epstein and providing a massage to him for $200.00. The arrangements were made and as [redacted] could not take her the day the arrangements were made, [redacted] took [redacted] also attended [redacted] and was familiar with Epstein.

[redacted] recalled she was brought there and entered through the back kitchen door. She had met with an assistant [redacted] and another assistant [redacted]. [redacted] brought her upstairs as she observed several photographs of naked females throughout the house. [redacted] stated Epstein came in the room, wearing only a towel, and laid on the table. [redacted] stated he picked out the oils he wanted her to use and requested she remove her clothing to provide the massage. [redacted] stated that on the first massage she provided she did not remove her

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clothing. [redacted] stated she had returned several times after that. Each time she returned more things happened. [redacted] stated that the same thing would happen. Epstein would walk into the master bedroom/bathroom area wearing only a towel. He would masturbate as she provided a massage. [redacted] stated she was unsure if he climaxed as he masturbated under the towel. Additionally she never looked blow his waist. She claimed that Epstein would convince her to remove her clothes. She eventually removed her clothes and stayed in her thong panties. On occasion, Epstein would use a massager/vibrator, which she described as white in color with a large head, on her. Every time she provided a massage he would masturbate. [redacted] added she has no formal training in providing a massage. [redacted] stated she brought two females during her visits to provide massages. [redacted] stated she brought a girl named [redacted] from [redacted] stated she received $200.00 for each girl she brought. Additionally, [redacted] was given $200.00 for taking her in the very beginning. The interview was concluded and the tape was placed into evidence. b6 b7C

Investigation continues...

********** N A R R A T I V E # 18 **********

NA Reported By: RECAREY, JOSEPH 11/13/05
Entered By.: ALTOMARO, NICKIE A. 11/14/05

On November 8, 2005, I made telephone contact with [redacted] W/F, [redacted] at her residence. [redacted] responded to the police station for an interview reference an ongoing investigation. At approximately 2:30 pm, she arrived at the Palm Beach Police Station and was brought into the interview room for the interview. The door was closed for privacy and she was told that I appreciated her cooperation in this case. During a sworn taped statement, [redacted] stated she had met Jeffrey Epstein approximately one year ago. She was approached by a subject known to her as [redacted] had asked her if she wanted to make money providing massages to Epstein. [redacted] had heard that several girls from [redacted] were doing this and making money. She agreed and was taken to the house by hall. [redacted] had introduced her to [redacted] and Epstein and brought her upstairs to a master bedroom and Master bathroom where a massage table was prepared and the proper oils were taken out. [redacted] left the room and waited downstairs for [redacted] stated Epstein entered the room wearing a towel and she provided a massage wearing only her thong panties. [redacted] advised Epstein had masturbated every time she provided a massage. She stated Epstein continued to masturbate until he climaxed; once that occurred the massage was over. She felt the whole situation was weird but she advised she was paid $200.00 for providing the massage. She also stated [redacted] received $200.00 for bring [redacted] to Epstein.

[redacted] stated she had gone a total of 15 times to his residence to provide a massage and things had escalated from just providing a

Case No. . . . : 1-05-000368 (Continued)

massage. Epstein began touching her on her buttocks and grabbed her closer to him as he masturbated. Epstein also grabbed her breasts and fondled her breast with his hands as she provided the massage. [redacted] stated on one occasion, he offered extra monies to have vaginal intercourse. She stated this all occurred on the massage table. [redacted] stated Epstein penetrated her vagina with his penis and began having intercourse with her until he reached the point of climax. Epstein removed his penis from her vagina and climaxed onto the massage table. [redacted] received $350.00 for her massage. I asked her if she had any formal training in providing massages, [redacted] stated she did not.

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[redacted] continued to state on one other occasion, Epstein introduced his assistant, [redacted], into the massage. [redacted] was brought into room with [redacted] to provide a massage. Epstein had them kiss and fondle each other around the breasts and buttocks as they provided a massage to Epstein. Epstein, watched and masturbated as this occurred. On other occasions, Epstein introduced the large white vibrator/massager during the massage. Epstein stroked the vibrator/massager on [redacted] vagina as she provided the massage.

[redacted] stated the last time she spoke with anyone at the house, was with [redacted] during the weekend of October 2 or 3, 2005. [redacted] stated she had brought two people to the Epstein house. She provided the names of [redacted] (unknown last name). It should noted, [redacted] had been previously identified as [redacted] and had been previously interviewed. The interview was concluded and the videotape was placed into evidence via the locker system.

On November 9, 2005, Sgt Frick and I traveled to 6791 Fairway Lakes Drive in Boynton Beach, Florida in hopes to interview Juan Alessi, the former houseman of Epstein's home. As no one was home, a business card was left for him to return my call. We then traveled to 11349 SW 86th Lane in Miami in hopes to interview Alfredo Rodriguez, a former house man of Epstein. We did not locate them at home. I left a business card for him to return my call.

We then traveled to [redacted] and met with Dean of Students, [redacted]. We requested to speak with [redacted] was re interviewed, as she still was in possession of the rental car that Epstein had acquired for her. [redacted] stated that [redacted], Epstein's assistant, had called her on her cellular telephone and informed her that rental was extended for her. [redacted] stated she had paid an additional $625.00 for her to keep the rental an extra month. [redacted] was asked if she had any additional contact with either Epstein or anyone from his organization. [redacted] stated she did not, other than the telephone call informing her that she could keep the car for an extra month. [redacted] did not provide any additional information.

On November 10, 2005, at approximately 9:47 am, Alfredo Rodriguez had telephoned reference my business card found on his door. Rodriguez stated he had worked with Epstein for approximately six months after

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the previous houseman left. Rodriguez stated that it was his responsibility to keep the identity of the masseuses private. Mr. Epstein had a massage in the morning and one in the afternoon. Mr. Rodriguez stated he would rather speak about this in private. He advised he would come to the police station to speak with me. Rodriguez stated he would return my call on Monday, November 14, 2005.

I then made telephone contact with Juan Alessi. He advised he found my card on his door and wanted to know what I needed to speak with him about. I explained to Alessi that I was conducting an investigation on his former employer, Mr. Epstein. Alessi stated he would return my call shortly as he was in the middle of a project at his home. I received a telephone call from Attorney Donald Morrell from 686-2700. Mr. Morrell stated he represented Mr. Alessi and did not want me speaking with his client. I then made telephone contact with the State Attorney s Office and confirmed that subpoenas would be issued to the former employees to assist in the investigation.

I then made telephone contact with Attorney Guy Fronstin, attorney for Mr. Epstein. I explained to Mr. Fronstin that I would like to speak with Mr. Epstein. He stated Mr. Epstein is not in residence in Florida at this time and would check with him to ascertain if he could be here by Wednesday November 16, 2005 for an interview. Mr. Fronstin stated he would return my call should Mr. Epstein decide to come in to the police station for an interview.

Investigation continues.

********** N A R R A T I V E # 19 **********

NA Reported By: RECAREY, JOSEPH 11/15/05
Entered By.: ALTOMARO, NICKIE A. 11/16/05

On November 14, 2005, Det. Sandman and I traveled to [redacted] Florida and spoke with [redacted] She was told of the ongoing investigation involving Epstein. [redacted] advised she had gone to the house on several occasions. During a sworn taped statement, she advised she started going to the house approximately one year ago and was brought by [redacted] (Unknown last name). [redacted] stated [redacted] brought her into the house and she was introduced to a girl named [redacted]. Once she met her, [redacted] brought her upstairs into a master bedroom bathroom. [redacted] stated she met Jeffrey in the bathroom. He lay on the table and picked the massage oils. She provided the massage, as he lay naked on the massage bed. She stated she rubbed his calves and back area. Upon the end of the massage, Epstein removed himself from the massage table and paid her $300.00 for the massage.

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b7C

[redacted] stated she had only been at the house approximately five or six times. [redacted] said each time she went to the house she was notified by [redacted], Epstein's assistant, that Epstein was in town and would like her to work. [redacted] stated she returned to the house and was again led upstairs by [redacted]. She provided the massage, clothed.

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[redacted] advised it wasn't really weird until later on. [redacted] was asked if she ever removed her clothing to provide a massage. [redacted] stated it was not until the third time she went that she removed her clothing. [redacted] stated she was notified by [redacted] that Epstein wanted her to come to work. She arrived at the house and was led upstairs by [redacted]. She started providing the massage when Epstein asked her to remove her clothing. [redacted] removed her pants, shirt and bra. She stayed in her thong panties and continued rubbing Epstein. Epstein turned over onto his back and she rubbed his chest area. [redacted] stated she knew he was masturbating himself as she providing the massage. [redacted] stated she believed he climaxed based on his breathing. She did not want to view either the climax or the fact that he was masturbating. [redacted] stated once the breathing relaxed he got up and told her to get dressed. She was paid $300.00 for her services.

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[redacted] stated on the last time she went to provide a massage, she was notified by [redacted] to come to the house and work. [redacted] stated she was now dating her current boyfriend and did not feel comfortable going. She recalled it was approximately January 2005. She said she went, already thinking that this would be the last time. She went upstairs and went into the master bathroom. She met with Epstein, who was wearing only a towel as he entered the room to lie on the table. [redacted] stated Epstein caught her looking at the clock on several occasions. Epstein asked her if she was in a hurry. [redacted] stated her boyfriend was in the car waiting for her. [redacted] further stated that Epstein got upset, as she wasn't enjoying the massage. She told him that she didn't want to continue and she would not be back. Epstein told her to leave as she was ruining his massage. I asked her if she had any contact with Epstein's organization, she stated she received $200.00 from Western Union in Royal Palm Beach and Okeechobee Blvd as a Christmas gift. [redacted] advised she had no formal training in provide any massages. [redacted] also stated she was sixteen years old when she first went to Epstein's house.

At approximately 4:22 pm, I made telephone contact with [redacted] at [redacted] She agreed to meet with me at a public place. I suggested she come to the police station for an interview. [redacted] did not want to meet at the police station. I recommended we meet at the Palm Beach Gardens Mall in the food court area. She agreed and an appointment was made for November 15, 2005 at 5:00 pm at the food court.

Investigations Continue.

********** N A R R A T I V E # 20 **********

NA Reported By: SANDMAN, JENNIFER R. 11/16/05
Entered By.: ALTOMARO, NICKIE A. 11/17/05

On 10/20/2005, I assisted executing a search warrant at 358 El Brillo Way in the Town of Palm Beach, Palm Beach County Florida under the direction of affiant Detective Joe Recarey.

Case No. . . . . : 1-05-000368 (Continued)

Detective Melnichok and I searched the pantry room that is west next to the kitchen. This room had all white cabinets with a dark grey and black counter top. We did not find anything in this room.

We searched the yellow and blue room that is west next to the pantry room. This room had a very large statue of man with a bow. Taken into evidence from this room were nine photographs in frames of various women.

We searched the main entrance foyer that is to the north of the yellow and blue room. This room contained two bamboo chairs and ottomans with cushions. It also contained a round table with numerous books.

We searched another blue room that is west of the foyer. This room had a stereo system and book shelves that were from the floor to the ceiling. Taken into evidence from this room were eight photographs in frames of various women and/or Epstein, the owner of the residence.

We searched the room to the west of the blue room that has sliding glass doors that lead out to the pool. In this room in a dresser were two DVD's and two VCR tapes. These items were taken into evidence.

We searched a 2004 black Chevy Suburban bearing Florida tag X99-EGL, registered to Jeffrey Epstein DOB 01/20/53, which was located on the east side of the driveway facing south. I found a Thrifty rental agreement between the passenger seat and the middle console. The name on the rental agreement was Johanna Sjoberg from 622 Holly Drive Palm Beach Gardens, Florida 33410. The phone number on the rental agreement was (561) 714-0546. The vehicle rented was a white 2005 Chrysler Sebring bearing Florida tag W99-FUN. The vehicle was rented on 9/25/05 at 17:58 hours and was returned on 9/26/05 at 16:52 hours. The last four numbers of the credit card used are 9821. Detective Melnichok found a piece of paper in the middle console that said I used the cash in here to fill up the tank and was signed by Johanna.

I searched the 2005 black Cadillac Escalade ESV bearing Florida tag Q29-9GT, registered to Jeffrey Epstein dob 01/20/53, which was located on the west side of the driveway facing south. I did not find anything in this vehicle.

All of the items that were taken into evidence were photographed in the place they were located and then turned over to crime scene.

********** N A R R A T I V E # 21 **********

NA Reported By: RECAREY, JOSEPH 11/17/05
Entered By.: ALTOMARO, NICKIE A. 11/17/05

Case No. . . . . : 1-05-000368 (Continued)

On November 15, 2005, Det. Sandman and I traveled to [redacted]. We met with [redacted], a seventeen-year old juvenile who was not in school this day due to a cold from which she was suffering. [redacted] was told that I needed to speak with her in reference to an ongoing investigation involving a subject she would know as Jeffrey Epstein. Prior to speaking with her, I explained that because of the fact that she is a minor, I needed to speak with her parents prior to speaking with her. She telephoned her father, Mr. [redacted] on his cell phone and explained to him that Det. Sandman and I were there to speak with her. I spoke with Mr. [redacted] on the telephone and informed him I needed to speak with his daughter in reference to an ongoing investigation. Mr. [redacted] advised he had no problem with us speaking with his daughter.

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b7c

During a sworn taped statement, [redacted] stated she met Jeffrey Epstein over a year ago. She was sixteen years of age and was approached by [redacted] who informed her that she could make monies providing a massage to Epstein for $200.00. [redacted] had informed her that she would have to provide this massage topless. [redacted] made the arrangements with Epstein and his assistants and took [redacted] to the house. [redacted] stated [redacted] and she entered through a glass door that led into a kitchen. [redacted] took her upstairs, to a master bedroom and master bathroom. She recalled the bathroom had a large pink couch, sauna and matching shower. Epstein entered into the room wearing only a towel. [redacted] removed their clothing remaining only in thong underwear. She further stated that Epstein lay on his chest on the table. Epstein selected which oils to use for the massage. Both [redacted] provided the massage on his legs, back and feet. Forty minutes into the massage, Epstein turned over onto his back and requested [redacted] wait downstairs in the kitchen area for [redacted] Epstein instructed [redacted] to finish the massage. As [redacted] got dressed, [redacted] starting rubbing his chest. [redacted] left the room, and Epstein began masturbating himself as [redacted] rubbed Epstein s chest. [redacted] stated he continued masturbating until he climaxed on the towel he was wearing. When asked if he had removed the towel she stated he turned the towel around so that the opening would allow him to expose himself. After he cleaned himself off with the towel, he instructed [redacted] the massage was done and to get dressed and met with him downstairs. [redacted] got dressed and met with Epstein in the kitchen area. She was paid $200.00 dollars for providing the massage. [redacted] stated she was aware that [redacted] also received monies for the same thing.

The second time she went to the house she was again approached by [redacted] asked if she wanted to return to the house to provide another massage; [redacted] agreed and the arrangements were made by [redacted] for her to return to the house. [redacted] stated [redacted] drove her to the house and knocked on the same glass door that leads to the kitchen area. They were allowed entry into the house by one of the staff members. [redacted] led her upstairs to the master bedroom and

Case No. . . . : 1-05-000368 (Continued)

master bathroom area. [redacted] left [redacted] this time to do the massage alone. Epstein entered the room again wearing only a towel. [redacted] began removing her clothing as she did the last time she was at the house. Epstein instructed her to get naked. He lay on the table on his stomach as [redacted] began massaging his legs and back. b6 b7C

As [redacted] finished with Epstein's back and legs, Epstein then turned over onto his back. [redacted] started to rub his chest and he began masturbating himself. As [redacted] rubbed his chest, Epstein leaned over and produced a massager/vibrator. He turned it on and began rubbing [redacted] vagina and masturbating himself at the same time. [redacted] stated she continued to rub his chest as this was occurring. She described the vibrator/massager as large, grey with a large head. Epstein rubbed her vagina for approximately two to three minutes with the massager/vibrator. He then removed the vibrator from her vaginal area and concentrated on masturbating himself. [redacted] stated he climaxed onto the towel again and informed her that the massage was done. [redacted] got dressed and met with [redacted] who was waiting in the kitchen area. She received $200.00 for the massage. [redacted] said she never returned to the house and had no desire to return to the house. [redacted] was asked if she received any formal massage training. She advised she had no formal training. [redacted] was asked if Epstein knew her real age. [redacted] stated he knew as he asked her questions about herself and high school. He was aware she attended and is still attending [redacted].

The interview was concluded. I suggested [redacted] inform her parents of what occurred at the Epstein house. [redacted] stated she would tell her father as he was unaware this had occurred. I left my business card for any questions they may have. We left the area and returned to the police station. The tape was placed into evidence.

Investigation Continues.

********** N A R R A T I V E # 22 **********

NA Reported By: RECAREY, JOSEPH 11/17/05
Entered By.: ALTOMARO, NICKIE A. 11/17/05

On November 15, 2005, Officer Munyan and I responded to the Palm Beach Gardens Mall food court section to meet with [redacted] At approximately 5:10 p.m., [redacted] arrived and met with us at the food court. [redacted] provided a sworn taped statement in which she stated she had been at the Epstein house over fifty times. She began going to Epstein's house when she turned eighteen years old. [redacted] was asked if she knew of the on-going investigation. [redacted] stated she was aware there was an investigation as she had been told by other girls that were interviewed. Additionally, she has had several telephone conversations with Epstein's assistants as to what had been going on during the investigation.

I asked [redacted] how she was introduced to Epstein. [redacted] stated she did not want to disclose who brought her to the house but she would

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respond to any other questions. When I asked her what happened at the house, [redacted] stated everything happened. It all began with the massages. Each time she went more things happened. She would massage Epstein and he would masturbate and climax. She stated things escalated from there. She provided oral sex on Epstein and he provided oral sex on her. She stated he would also use a massager/vibrator on her vagina to stimulate her as she massaged him. He introduced his assistant [redacted] or [redacted] to have vaginal intercourse with [redacted] She stated [redacted] or [redacted] would utilize a strap-on (synthetic penis) to have intercourse with her. She was told to masturbate herself as Epstein and [redacted] had sexual intercourse. All this was done at Epstein's direction. b6 b7C

[redacted] could not provide exact dates as she had been to the house so many times. [redacted] stated Epstein inserted his fingers in her vagina to stimulate her as she massaged him. When I asked her if there had been any vaginal intercourse with Epstein, she stated she did not have sex with him. She did admit having sex with [redacted], his assistant. [redacted] stated not every time she went involved sexual favors. Sometimes she would just talk with him and get paid. I asked her how much she was paid each time she went to Epstein s residence. [redacted] stated she got paid $300.00 every time she went to the house. She was told to bring other girls to him to provide massages. [redacted] declined stating that she does what she does and did not want to introduce anyone else to do what she does. [redacted] stated she had never received any formal training in providing massages.

I showed [redacted] a photo line up in which [redacted] was placed in position six. She reviewed the six photographs and immediately identified [redacted] as the person with whom she had intercourse. Additionally, it was the same person she watched have intercourse with Epstein. She signed the photo line-up under [redacted] s photo as the person she identified. We then left the mall and returned to the police station. The photo line up and tape were placed in to evidence.

Investigation Continues...

********** N A R R A T I V E # 23 **********

NA Reported By: RECAREY, JOSEPH 11/29/05
Entered By.: ALTOMARO, NICKIE A. 12/01/05

On November 17, 2005, I received a phone message from Atty. Guy Fronstin who advised to call his cellular phone reference his client Jeffrey Epstein. I telephoned his cell phone and left a message for him to return my call. I did not receive a call back on Thursday, November 17, 2005. On Friday, November 18 2005, I retrieved another voice mail from my work phone from Mr. Fronstin advising he would not produce his client Jeffrey Epstein for any statement. Fronstin stated he had spoken with ASA Lana Belohlavek and expressed Mr. Epstein has a passion for massages. I called ASA Lana Belohlavek and confirmed that

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Fronstin had telephoned her reference this case. Although nothing was discussed, Mr. Fronstin did advise her that Epstein is very passionate about massages.

I also spoke with ASA Daliah Weiss reference the previous employees, Juan and Maria Alessi. She advised that they had been served through a subpoena process server. They were both scheduled to appear on Monday November 21, 2005 at 12:00 p.m.

On November 21, 2005, I met with ASA Weiss, Atty. Donnie Murrell and Juan and Maria Alessi at the State Attorney Office. ASA Weiss had requested a court reporter to be present to take the statement of the Alessi s. I spoke with Maria Alessi, in the presence of her attorney, Donnie Murrell. She advised she had worked for Epstein for eight years, from the period of 1994 through 2002. She advised she had never had any direct conversations with him. She stated it was her husband who spoke directly with Epstein. Her work consisted of doing house cleaning, shopping and other preparations when Epstein would arrive in town. Alessi stated the preparations consisted of preparing the house and bathrooms for his arrival. She advised she did view several masseuses that arrived at the house. She advised that two or three girls would come during a day and provide the massages. The girls that arrived looked young in age. Mrs. Alessi did not know any of the girls personally and were always different. She was told that when Epstein was in residence he did not want to encounter the Alessis during his stay in Palm Beach.

I then spoke with Mr. Alessi in the presence of his attorney, Donnie Murrell. Mr. Alessi stated that he was employed for eleven years with Mr. Epstein. He originally was hired as a part time employee and then moved up into a full time position. His duties included everything. Alessi stated he was the house manager, driver and house maintenance person. It was his responsibility to prepare the house for Epstein s arrival. When asked about cooks or assistants, Alessi stated they traveled with Epstein on his private plane. He remembered dealing with his girlfriend, Ms. Maxwell originally and then dealt with Epstein directly.

I asked Mr. Alessi about massages that occurred within the home. Mr. Alessi stated Mr. Epstein had up to three massages a day. Each masseuse that visited the house was different. Alessi stated that towards the end of his employment, the masseuses were younger and younger. When asked how young, Mr. Alessi stated they appeared to be sixteen or seventeen years of age at the most. The massages would occur in Epstein's bedroom or bathroom. There were times he recalled that he would set up the massage tables either in Epstein s bedroom or in his bathroom. I asked if there were things going on other than a massage. Alessi stated that there were times towards the end of his employment that he would have to wash off a massager/vibrator and a long rubber penis, which were in the sink after the massage. Additionally, he stated the bed would almost always have to be made after the massage. Alessi was never privy to what went on during the

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massages.

He was asked if he remembered any names of the girls that massaged Epstein. He tried to remember and was unable to provide any exact names of any girls. Alessi was asked about any contact with anyone from the Epstein organization. Alessi said he did speak with Mr. Epstein shortly after my initial contact with him to find out what was going on. Alessi also stated that approximately on November 11, 2005, he was contacted by a private investigator from the Law Office of Roy Black. The investigator had called him to meet with him to ascertain what he was going to tell the police. Alessi stated they met at the Carrabba s Restaurant in Boynton Beach and discussed the same questions I was asking him. I informed Mr. Alessi and Mr. Morrell that as this is an ongoing investigation and anything we discuss should be confidential. They both acknowledged the fact that the information would be kept confidential. It should be noted that a court reporter was present during the interviews and would be providing a copy of the statements to me when they become available.

On November 21, 2005, I received a voice mail from Mr. Fronstin who advised he would not be making Mr. Epstein available for any statements. He did have some words that he wanted to relay on behalf of Mr. Epstein. I telephoned his office and left a message for him to return my call.

On November 29, 2005, I received a call back from Mr. Fronstin who left a voice mail after hours on November 28, 2005, advising he would return my call during normal business hours to speak with me reference the case on November 29, 2005.

********** N A R R A T I V E # 24 **********

NA Reported By: RECAREY, JOSEPH 11/29/05
Entered By.: ALTOMARO, NICKIE A. 12/01/05

On November 29, 2005, at approximately 2:30 p.m. I received a telephone call on the department issued cell phone. Mr. Fronstin stated he was calling to relay information that Mr. Epstein wished he could relay. Mr. Fronstin stated that he would not allow Mr. Epstein to speak with me at this time. He further stated that Mr. Epstein is very passionate about massages. He continued that Mr. Epstein had allegedly donated over $100,000 to the Ballet of Florida for massages. The massages are therapeutic and spiritually sound for him that is why he has had many massages. Mr. Fronstin stated he appreciated the way the investigation has not been leaked out into the media. I explained to Mr. Fronstin that it is as important to protect the innocent if the allegations are not substantiated. Mr. Fronstin was told of the allegations that the private investigators assigned to the case have been portraying themselves as police officers. Additionally, I explained that my cell phone had been called by the private investigators. Mr. Fronstin advised he was not aware of that and advised they were under the direction of Attorney Roy Black in

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Miami. Mr. Fronstin further stated Epstein had originally called Mr. Dershorwitz in Boston, who recommended Roy Black in Miami, who asked Mr. Fronstin to assist. I informed him that if and when any charges would be presented I would notify him. The call was then terminated.

Investigation continues.

********** N A R R A T I V E # 25 **********

NA Reported By: RECAREY, JOSEPH 12/15/05
Entered By.: ALTOMARO, NICKIE A. 12/16/05

A review of the telephone message books, which were obtained during the search warrant, was conducted in which various messages from different dates were made to Jeffrey Epstein. The telephone message books have a duplicate copy (Carbon Copy) which, once a phone message is written into the book, the top copy is then torn on the perforated edge and the carbon copy is left in the book. First names of girls, dates and telephone numbers were on the copy of the messages. I recognized various numbers and names of girls that had already been interviewed. The body of the messages was time of the day that they called for confirmation of "work." Other names and telephone numbers were located in which the body of the messages were, "I have girls for him" or "I have 2 girls for him." These messages were taken by [redacted] for Jeffrey Epstein. Based on the context of the body of the messages, I requested subpoenas for subscriber information on the telephone numbers and the time frame involved. Copies of the messages were made for evidentiary purposes.

I obtained [redacted] yearbooks for 2005, 2004 and 2003. I first reviewed the 2005 yearbook and located most of the girls I had spoken with. Additionally, I located [redacted]. Based on the corrected name spelling, I was able to locate her to her residence in [redacted]. On December 8, 2005, Det. Caristo and I responded to [redacted]. I located [redacted] at her home. She advised she is attending [redacted] and is participating in the early release program so she can maintain her part time job. As she is still a minor, I left my business card to have her mother return my call to request an interview with her daughter. We then left the area. b6 b7C

I also had previously researched the telephone number for [redacted] and telephone number [redacted]. A subpoena had been issued for the information on [redacted] The telephone number was registered to [redacted] A query of [redacted] revealed that she is the daughter of [redacted] and is currently residing at [redacted] in West Palm Beach. Det. Caristo and I attempted contact with [redacted] with negative results. I left my business card on her front door requesting she return my call. We then responded to [redacted] in West Palm Beach. I also attempted contact with Mr. [redacted] with negative results. I left my business card for him to return my call.

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On December 9, 2005, I received a telephone call from [redacted] mother, who was made aware of the on going investigation in Palm Beach. [redacted] advised she was told of everything that occurred at Epstein's house involving Epstein and his staff. She advised she would allow me to question her daughter about what occurred and would cooperate with the investigation. [redacted] provided me with [redacted] cellular telephone number to schedule an appointment for an official interview. I telephoned her cellular telephone and made a tentative appointment for Monday, December 12, 2005. b6 b7C

I then received a telephone call from [redacted], father of [redacted] who stated he found the business card on his door. I explained that I was conducting an investigation and needed to speak with [redacted] as she may have information that could assist in the investigation. Mr. [redacted] stated that his daughter no longer resides with him and has her own trailer in another trailer park. He advised he would tell her to call me.

On December 12, 2005, due to a conflict with schedules, arrangements were made to meet with [redacted] on Tuesday, December 13, 2005 at 5:00 pm. On December 13, 2005, Det. Dawson and I traveled to [redacted] and met with [redacted] During a sworn taped statement, [redacted] stated that when she was sixteen years old, she was taken to Epstein's house to provide a massage for money. [redacted] stated it was before Christmas last year when [redacted] approached her and asked if she needed to make money for Christmas; [redacted] stated she did and agreed to provide a massage for money. [redacted] made arrangements to take [redacted] to the house and drove [redacted] to the house to "work." [redacted] stated she could not remember the street name but would be able to drive to the street. They drove to the last house on the street and pulled in the last house on left side. They walked up the driveway and entered through a side gate which led to a kitchen door. They knocked on the door and were encountered by an employee who [redacted] described as a "Spanish looking lady." They informed her that they were expected. They were then encountered by a white female with long blond hair. [redacted] was unable to remember the name of the white female with blond hair but knew she was Epstein's assistant. She was led upstairs by the white female who explained that there would be lotions out already and Epstein would choose the lotion he wanted her to use. She was led through a spiral staircase which led to a master bedroom and bathroom. The massage table was already set up in the bathroom. [redacted] described the bathroom as a large spacious bathroom with a steam room and shower beside it with a sink to the right. [redacted] was introduced to Jeff who was on the phone when she entered. Jeff was wearing a white towel and lay on his stomach so that [redacted] may massage his feet and calves. [redacted] started the massage with the massage oil Jeff chose and rubbed his feet and calves. Jeff got off the phone and requested she massage his back as well. [redacted] began rubbing his back and got to the small of his back. During the rubbing of his back Jeff asked her to get comfortable. He

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requested she remove her pants and shirt. [redacted] removed her shirt and pulled her pants off. [redacted] stayed in her bra and thong panties. As she finished the small of the back, Jeff then turned onto his back. He instructed she rub his chest and pinch his nipples. As she began to rub his chest, Jeff asked her questions about herself. [redacted] remembered telling him she attended [redacted]. Jeff asked her if she was sexually active. Before [redacted] could answer, he also asked what sexual positions does she enjoy. [redacted] stated she was shy didn't like talking about those things. She continued rubbing his chest. Epstein reached up and unsnapped her bra from the front. [redacted] explained the bra she used had a front snapping device. Epstein rubbed her breasts and asked her if she like having her breasts rubbed. [redacted] said "no, I don't like that." Epstein then removed his towel and lay on the bed naked exposing his penis to [redacted] He began touching his penis and masturbated as he touched her breasts. [redacted] explained Jeff then touched her vagina area by rubbing her vagina with his fingers on the outside of her thong panties. [redacted] tensed up and stated Jeff was aware that she was uncomfortable. b6 b7C

[redacted] stated that Jeff told her , "Relax, I'm not going inside." She further explained Jeff commented to her how beautiful and sexy she was. Jeff then moved her thong panties to one side and now was stroking her clitoris. [redacted] said "Jeff commented how hard my clit was." He then inserted two fingers in her vagina and was stroking her within her vagina. She tried pulling back to pull out his fingers from within her vagina. Jeff removed his fingers from within her vagina and apologized for putting his fingers inside her. During this time he kept his hand on her vagina area rubbing her vagina. [redacted] stated he rubbed her real hard as he was masturbating. [redacted] said he climaxed onto the towel he had been previously wearing and got up from the table. Jeff told her there was $200.00 dollars for her on the dresser within the master bathroom. Jeff also told her that there was an additional $100.00 that was to be given to [redacted] for bringing her there to massage him. Jeff told her to leave her telephone number with his assistant as he wanted to see her again. Jeff stated his assistant would contact her to work again soon.

I asked her if she ever received any formal massage training to which [redacted] stated she did not. [redacted] stated it was the only time she ever went to work for Jeff and knew what happened to her was wrong. She stated she no longer speaks to [redacted] because she was upset that [redacted] took her there. She further stated that she had never been contacted for any additional work. The interview was terminated and we left the area.

Investigation Continues...

********** N A R R A T I V E # 26 **********

NA Reported By: DICKS, ALLEN C. 12/18/05
Entered By.: ALTOMARO, NICKIE A. 12/19/05

Case No. . . . : 1-05-000368 (Continued)

On 102005 at approx 0930hrs I assisted with the execution of a search warrant at 358 El Brillo Ave, Palm Beach.

Initially I was assigned to enter the residence and conduct a sweep of the premises for safety purposes. I then accompanied CSEU tech Pavlik while she photographed the exterior of the house. Once this was complete I was assigned to search certain areas of the house with Det. Dawson as part of the search warrant.

We began in the garage, searching three Mercedes Benz vehicles, a Harley Davidson motorcycle and adjacent closets in the garage. Nothing of evidentiary value was located.

We then searched two closets off the kitchen area on the east side. These can best be described as pantry or storage closets. Nothing of evidentiary value was obtained.

A small office with adjoining bath was then searched. In the bath area I located a phone message book with recent messages. This item was seized as evidence. Please note this bath and shower area are not used as designed but are storage areas containing a variety of items to include a gun safe in the shower and assorted household items.

We then searched a bath area and closet at the base of the main stairs in the foyer. Inside the closet two massage tables were located as well as partial nude female photographs. These items were later seized as evidence. Nothing of evidentiary value was noted in the bathroom.

We then searched two bedrooms upstairs on the east side of the residence. Located in the bath room of the south bedroom was penis shaped soap. Located in the bedroom of the northern bedroom was penis and vagina shaped soap as well as an adult sex toy. These items were seized as evidence.

We then searched the pool cabana located in the south west corner of the property. Several photographs of nude females were seized as evidence.

I was then assigned to stand by with a person I believe was Douglas Schoettle. Mr. Schoettle was in the residence at the beginning of the search warrant. He was present during the warrant service and subsequent search. I stood by with him until the search was completed and I departed the residence. I had no conversation with him regarding the reason for our presence.

Regarding seized evidence, all items were photographed in place and then collected by CSEU personnel.

This concludes my involvement in this case.

Case No. . . . : 1-05-000368 (Continued)

********** N A R R A T I V E # 27 **********
NA Reported By: KRAUEL, CURTIS D. 12/21/05
Entered By.: ALTOMARO, NICKIE A. 12/21/05

On Thursday, October 20, 2005 at approximately 0936 hours, I assisted in the execution of a search warrant located at 358 El Brillo Way, Palm Beach, Florida, residence of Jeffrey Epstein. I was instructed by Case Agent Det. Joseph Recarey, to secure all computer and media related material from the residence.

Upon my arrival I was directed by Det. Recarey to a room designated as the Kitchen Staff Office. I observed a, Silver in color, CPU with the left side cover removed, exposing the CPU s hardware sitting on floor next to a glass type desk. The CPU had no discernable identifiers or features indicating a make or model. This CPU was powered off with the power cord not plugged in. The keyboard and mouse were atop the CPU. It should be noted that the CPU was not connected to a monitor, printer, or other media device. On the back Panel of the CPU, I observed an A/V card with RCA jacks attached. This type of hardware would allow audio and video to be downloaded onto the CPU s hard disk. The ends of the RCA jacks were unattached at the time of the search and no external camera was located within this room.

The CPU was located on the right side of a desk that held a flat panel LCD screen. The desk also held another keyboard and mouse, indicative of a second computer; however, no other computer was found. It appeared as though a second computer had been recently removed as the cables ends from the monitor, keyboard and mouse were in the same area. A further search of the room revealed no media storage devices, i.e. CD s, Floppy Disks, Zip Disks, etc. This type of media is commonly stored in an area where computers are placed, yet no media was found.

After completing a search of this room, I secured the CPU and turned all items over to the Evidence Custodian for future forensic analysis via a property receipt.

I was then directed by Det. Recarey to a room designated as the Garden Room, where I observed a wooden desk facing west. The desk held a flat screen LCD monitor, keyboard, mouse, media card reader and printer; however, no CPU was located. All of the cables were removed from an area where a computer had once been. A search of the desk area revealed no signs of any media devices.

Det. Recarey directed me to a third location designated as the Cabana room, which is detached from the residence and located just south of the pool. In the South East corner of the room, I observed an office type setting, with an L-shaped desk holding a flat screen LCD monitor, keyboard, mouse and printer; however, no CPU was located. All of the cables were removed from an area where a computer had once been. A search of the desk area revealed no signs of any media devices.

Case No. . . . : 1-05-000368 (Continued)

Det. Recarey directed me to a second detached structure located on the South East corner of the property. This area of this structure was assigned with single letters to identify a particular part of the room. In the office area, designated as Room B, I observed a powered on Dell Dimension 2350, attached to an LCD flat panel monitor. The screen displayed an open Microsoft Internet Explorer browser with URL address of http://home.bellsouth.net/. I observed no other active windows in the Start panel window and photographed screen. The power cord was removed from the back of the Dell CPU and I disconnected the cable modem to prevent remote access. At that time, the Dell CPU, marked with Serial Number 6WTVN21, was secured and turned over the evidence custodian for future forensic analysis via property receipt. I also located several media related items within Room B, which were recorded onto a property receipt and turned over the Evidence Custodians.

I then responded to a Bedroom designated as Room F, where I observed a white in color CPU marked Premio. The Premio CPU was in a computer desk which held a white CRT monitor, both of which were powered on. The CRT monitor displayed a message from Norton Antivirus software, warning of an expired subscription. I observed no other active windows in the Start panel window and photographed screen. I removed the power cable from the back of the Premio CPU and shutdown all other media. The Premio CPU, marked with Serial Number 2000091078, was secured and turned over the evidence custodian for future forensic analysis via property receipt. I also located several media related items within Room F, which were recorded onto a property receipt and turned over the Evidence Custodians.

This concluded my participation in the search of the residence.

********** N A R R A T I V E # 28 **********

NA Reported By: RECAREY, JOSEPH 12/21/05
Entered By.: ALTOMARO, NICKIE A. 12/21/05

On December 20, 2005, I contacted ASA Daliah Weiss in an attempt to subpoena the Epstein former houseman, Alfredo Rodriguez. Rodriguez, who resides in Miami, had eluded the process servers previously and was not served the investigative subpoena. A telephone message was left as she is not available during the week of 12/19/2005. I made contact with State Attorney Inv Theresa Wyatt and requested the same via telephone message.

I then researched the victim's [redacted] cellular telephone subpoena data which had been received from a previous subpoena request. I analyzed the records which depict several calls from [redacted]. The telephone calls start on February 6, 2005 at 12:49 pm.; the same day which the victim and the victim's father stated the incident occurred at Epstein s house. The first incoming call was from [redacted]'s residence at [redacted] The second incoming call from [redacted]s

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Case No. . . . . : 1-05-000368 (Continued)

cellular phone occurred at 1:02 pm. The call durations were one minute or less. The time frame was within thirteen minutes apart. It should be noted that s residence was in close proximity to the victim's. The next call occurred at 5:50 pm when the victim telephoned s residence. Several calls were made after the above mentioned calls both incoming and outgoing to . Further analysis showed no telephone calls to either cellular telephone or residence were registered prior to February 6, 2005. b6 b7C

Additionally, I also conducted an analysis on the telephone calls from 305-710-5165. The subscriber information confirmed that the number is registered to Paul A Lavery from Hialeah, Florida. The address was crossed referenced to the Office of Kiraly and Riley Private Investigators. I researched the web page www.rileykiraly.com which also showed various cases in which they assisted. I also located another web site under www.coralspringssparklandrotary.org in which Mr. Riley attended a Miami Rotary meeting and confirmed Atty. Roy Black is among his clientele.

The telephone calls revealed Lavery had telephone contact with either just after I attempted to interview them, or just prior. A background was conducted on Lavery which revealed he holds a current Private Investigator License. A criminal arrest record revealed he had been previously arrested for possession of cocaine and solicitation of prostitution. b6 b7C

I also researched the girls using www.myspace.com. This web site is a new social networking service that allows members to create unique personal profiles online in order to find and communicate with old and new friends. The site allows one to establish your own myspace.com page and decorate the page any way one wishes. I found the following people have myspace sites: b6 b7C

I received a Cingular Wireless packet which contained a CD which contained the results of the subpoena request for verbatim calls on An analysis will be conducted in the near future on the phone numbers called. b6 b7C

Investigation Continues.

********** N A R R A T I V E # 29 **********

NA

Reported By: RECAREY, JOSEPH 12/27/05
Entered By.: ALTOMARO, NICKIE A. 12/29/05

Upon doing research on the message books recovered in the search warrant, I located the identity of The telephone number was registered to . She currently is seventeen years old and is attending . I b6 b7C

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responded to [redacted]. I located the [redacted]. I located [redacted] and informed her that I was investigating a case against Jeffrey Epstein and knew she had been at the house. [redacted] started to cry and advised she had put that part of her life behind her. I explained that although she is seventeen years old I needed to inform her parents that she would be interviewed. She provided her home telephone number. I attempted contact and left voice mail messages at the house to speak with her parents.

b6
b7C

Det. Caristo and I then located [redacted] at her residence located at [redacted] in West Palm Beach. I attempted to interview her about Jeffrey Epstein. She advised she is so in love with Jeff Epstein and would do anything for him. She further explained that she would not speak with us about him either negative or positive. She asked us to leave her property. I informed her that although she did not wish to speak with us, I had sufficient information at this point in the investigation to know she was at Epstein's house and provided girls to Epstein to work. I also explained that prior to our arrival at her residence I had telephone contact with her father, [redacted] who was told she would be interviewed. [redacted] is currently seventeen years old and as a juvenile, parental notification would be required. We then left the area and returned to the police station.

While at the police station, I left another telephone message for [redacted]. I began an analysis of [redacted] Cellular telephone. The telephone number [redacted] is assigned to [redacted] and the financially responsible party is Jeffrey Epstein of 457 Madison Ave. in New York City, New York. The time frame which was subpoenaed was September 2005, through October 2005. There were eighty seven pages of calls made either to the cell phone or from the cell phone. The local (561) numbers were analyzed. A spread sheet was prepared and placed into the attachment file of who was called.

The unknown numbers were researched using FoneFinder.com and subpoenas were requested to determine subscriber information. This was done to identify additional victims or witnesses. The analysis revealed that [redacted] had called the victim/witnesses frequently when Epstein was in the Town of Palm Beach to "work." This confirms what the girls interviewed had previously stated. [redacted] would notify them when Epstein was in town and their willingness to "work." The CD was placed into evidence.

Investigation Continues.

********** N A R R A T I V E # 30 **********

NA Reported By: RECAREY, JOSEPH 1/03/06
Entered By.: ALTOMARO, NICKIE A. 1/03/06

On December 29, 2005, I received a facsimile from National Compliance

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Center from Cingular Wireless for telephone number [redacted] This was the telephone number for [redacted] during the time frame when the victim, [redacted] was brought to the Epstein house to "work." An analysis of the phone records, of all incoming and outgoing calls, showed that on February 6, 2005, the day the victim, [redacted], [redacted] first called [redacted], Epstein's assistant, at [redacted] at 12:50 pm (EST). The next call was made to Epstein's house in Palm Beach, at 12:52 pm (EST). The following call was made to the victim, [redacted] at 1:01 pm (EST) and at 1:02 pm (EST). This confirms the information provided by the victim and victim's father. I photo copied the records and enlarged the page 8 of 10 to show the calls made by [redacted] on February 6, 2005. b6 b7C

To this date, I have not heard from [redacted] I will attempt to establish contact with them during the evening hours. I received a package from Atty. Guy Fronstin, which was hand delivered at the police station. Within the package, was a letter from Alan Dershowitz, and two www.myspace.com profiles. The profiles were that of [redacted] MySpace.com is a social networking service that allows members to create unique personal profiles online in order to find and communicate with old and new friends. This package was in response to a previous meeting in which Mr. Dershowitz called to assist in the investigation in providing any additional witnesses such as house employees who have been reluctant to speak with law enforcement. b6 b7C

I reviewed the profiles Mr. Dershowitz enclosed. [redacted], who designed her blog to be [redacted]' still attends [redacted], sends and receives messages from friends which contain some profanity. Upon reviewing her friends' comments section from Myspace, most of her good friends sent messages to establish contact and invite her to go out.

I then reviewed [redacted] web blog which was provided by Mr. Dershowitz. Ms. [redacted] designed her blog to be [redacted] Her blog states that her interests include music, theater and weed (Marijuana). I reviewed her packet in which [redacted] declares her love for her live-in boyfriend. She also describes using marijuana with her boyfriend [redacted].

The letter Mr. Dershowitz sent advised he was looking into the allegation that one of the private investigators used by the private attorneys of Epstein, attempted to impersonate or state that they were police officers from Palm Beach. Mr. Dershowitz advised that the investigators used to interview [redacted] had "quite a distinct speech impediment", did not claim to be nor did they impersonate themselves as a police officer. This package was sent to both ASA Lana Belohlavic and ASA Daliah Weiss at the State Attorney's Office. b6 b7C

I made telephone contact with ASA Weiss to confirm she received the package and request an interview with [redacted] and Janusz Banasiak. She advised she would assist in attempting to

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contact Mr. Dershowitz.

On January 3, 2006, I received a telephone call from ASA Weiss who informed me that she made telephone contact with Mr. Dershowitz. She had requested the employees be available the week of January 3, 2006. Mr. Dershowitz informed her that the assistants are out of the country and would require additional time to locate them and make them available.

Investigation Continues.

********** N A R R A T I V E # 31 **********

NA Reported By: MINOT, LORI S. 1/03/06
Entered By.: ALTOMARO, NICKIE A. 1/03/06

On Thursday, 03/31/05, I started conducting surveillance at 358 El Brillo. At this point I observed at 1155 hours, a Tan Altima bearing FL tag A303AN in Roadway, Black SL bearing FL tag V55RFW in drive, Tan Honda Civic bearing FL tag X98APM in Roadway, Black Chevy Suburban in driveway and a Black Caddy Escalade in driveway. At 1325 Hours I observed Tan Honda Civic X98APM in roadway, Black Chevy Suburban in driveway, Black Caddy Escalade in drive and a White Kia car bearing FL tag D651BQ. At 1615 hours I observed a Tan Honda Civic, X98APM in roadway, Black Chevy Suburban in drive, Black Caddy Escalade in driveway and a White Kia car D651BQ in roadway.

On Friday, 04/01/05, I continued surveillance at 358 El Brillo. At 1130 hours I observed a Tan Honda Civic bearing FL tag X98APM in roadway, Black Caddy Escalade in driveway and a Tan unknown make/model bearing FL tag A303AN in roadway. At 1227 hours, I observed a Tan Honda Civic X98APM in roadway, Black Caddy Escalade in driveway and a Black Chevy SUV located behind the Escalade. At 1345 hours, I observed a Tan Honda Civic X98APM in roadway and a Black Chevy SUV in driveway. At 1558 hours, I observed a Tan Honda Civic X98APM in roadway, Black Chevy SUV in driveway, Black Caddy Escalade in driveway and a dark unknown model/make car parked in garage.

On Saturday, 04/02/05, I continued surveillance at 358 El Brillo. At 0713 hours, I observed a Red Explorer bearing FL tag J98JEI in roadway and a Black Caddy Escalade in driveway. At 0814 hours, I observed a Red Explorer J98JEI in roadway, Black Caddy Escalade in driveway and a Tan Honda Civic X98APM. At 0952 hours, I observed a Red Explorer J98JEI in roadway, Black Caddy Escalade in driveway, Tan Honda Civic X98APM in roadway and also a Grey unknown make/model with a B.M in trunk retrieving landscaping tools.

At 1155 hours, I observed a Grey Camaro bearing FL tag X88EFF, parking in the roadway in front of 358 El Brillo. A W/F, blond hair, teens to early 20's, thin and tall wearing a white tank top and short blue jean shorts, exited the vehicle and walked to the rear of the house. I also observed a Red Explorer J98JEI in roadway, Tan Honda Civic X98APM in roadway and a Black Caddy Escalade in driveway. At 1310 hours, I

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observed a Red Explorer W/F driver leaving the area, Tan subcompact on roadway and a Red Neon bearing FL tag J10GRV. Then observed 3 W/Fs, approximately 16 to 18 years of age jogging. All 3 females ran into the driveway. There were 2 with blond hair and one brown hair.

On Sunday, 04/03/05, I continued surveillance at 358 El Brillo. At 0719 hours I observed a Tan Honda Civic X98APM in roadway and a Black Caddy Escalade. At 0934 hours, I observed a Tan Honda Civic X98APM in roadway and a Black Caddy Escalade in driveway. At 1057 hours I observed only the Tan Honda Civic X98APM.

On Tuesday, 04/05/05, I continued surveillance at 358 El Brillo. At 1052 hours, I observed a Red Explorer J98JEI in roadway, a Green Explorer, bearing FL tag F91KAK in roadway, a Grey Altima bearing FL tag A303AN in roadway, White Ford Truck H58LRA in roadway, Black Mercedes in driveway being washed by a B/M and an unknown dark car parked in the garage. At 1059 hours a Blue Chevy Suburban drove to the house of 358 El Brillo and parked in the driveway. At 1119 hours, I observed the White Fort Truck H58LRA leave the area and the drive was the pool man.

At 1126 hours, I observed a Grey unknown make/model car park in roadway. W/M got out of the car and walked to a house on the south side of El Brillo. At 1406 hours, I observed a Red Explorer parked on roadway and a large white box truck parked behind the surveillance suburban.

********** N A R R A T I V E # 32 **********

NA Reported By: BATES, MICHAEL J. 1/03/06
Entered By.: ALTOMARO, NICKIE A. 1/03/06

On 03/31/05, at approximately 1500 hours while conducting surveillance at 358 El Brillo, I observed a Black Cadillac Escalade, unknown tag, a Black Chevrolet Suburban, unknown tag, a Black Mercedes S600 FL tag U90BQL parked in the east driveway next to the 3-car garage. There was a Tan Honda Civic FL tag X98APM parked on the street in front of the residence.

At approximately 1700 hours, I observed the Black Suburban, Black Escalade, Black Mercedes and Tan Honda Civic parked in the same place. At 1750 hours, there was no change in vehicles. At 1840 hours, I observed the Black Escalade, Black Suburban and Black Mercedes along with a Silver Hyundai Accent FL tag A136AN all parked in the east driveway and a Red Ford Explorer FL tag J98JEI parked on the street in front of the residence.

At 2000 hours, I observed the Black Escalade, Black Suburban parked in the ease driveway and the Red Explorer and Tan Civic parked on the street.

On Friday, 04/01/05 at approximately 1700 hours, I observed the Black

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Escalade and Black Suburban parked in the east driveway and the Tan Honda Civic parked on the street in front of the residence. At 1820 hours, I observed the Suburban and Civic in the same place and a Gold Chevrolet Camaro FL tag X88EFF parked on the street in front of the residence. At 2250 there was no change. At 2330, I observed the Black Escalade parked in the driveway and the Red Explorer parked on the street in front of the residence.

On Saturday, 04/02/05 at approximately 1700 hours, I observed a Black Escalade, unknown tag, parked in the driveway and a Tan Honda Civic FL tag X98AMP parked in the street in front of the residence. At 1805 hours the Escalade and Civic were in the same position and the Black Mercedes FL tag U90BQL was also parked in the east driveway. At 1920 hours the Escalade and Civic were the only vehicles and both were in the same position. At 2030 hours and 2145 hours there were no vehicles observed.

At 2115 hours, I observed a Black Mercedes, 4-door parked in the east driveway FL tag G14CT. At 2300 hours, 2350 hours and 0045 hours, the Black Mercedes was the only vehicle observed.

********** N A R R A T I V E # 33 **********

NA Reported By: RECAREY, JOSEPH 1/05/06
Entered By.: ALTOMARO, NICKIE A. 1/05/06

I made contact with Mr. [redacted] father of [redacted] who was told that I wished to interview his daughter. Mr. [redacted] stated he was aware and had spoken with his daughter about the incident. He stated that his daughter had previously told him that she was hired to model lingerie at a Palm Beach mansion. Mr. [redacted] stated he knew nothing else about what she did when she went to "work." Mr. [redacted] advised he would cooperate with the investigation and make his daughter available for interviews. I asked if she was available for an interview, [redacted] stated she was not at home at the moment. I informed him I would make contact with her at a later time. Mr. [redacted] expressed his interest in the resolution in this matter as he stated this information has affected his daughter emotionally.

b6
b7C

On January 4, 2005, I acquired the subpoenas from the State Attorney's Office for Cingular Wireless, Metro PCS, Verizon, Bell South Telecommunications and Sprint for the unknown telephone numbers from [redacted] cellular telephone. The subpoenas were sent to the respective telephone carriers for subscriber information.

I received a telephone call from State Attorney's Office, who informed me that the former houseman for Jeffrey Epstein, Alfredo Rodriguez, was present at the State Attorney's Office for an interview. Rodriguez was issued an investigative subpoena for an interview on the on-goings at Epstein's house during his employ. I responded to the State Attorney's Office and encountered Mr. Rodriguez waiting in the lobby. I brought Mr. Rodriguez to the interview room.

Case No. . . . : 1-05-000368 (Continued)

During a sworn taped statement, Mr. Rodriguez stated he was employed by Jeffrey Epstein for approximately six months. He was referred by associates and his employment lasted the months of November 2004 through May 2005. His responsibilities as house manager included being the butler, chauffer, chef, houseman, run errands for Mr. Epstein and provide for Epstein's guests. Rodriguez advised he had very limited contact with Mr. Epstein. If Rodriguez needed to relay a message to Mr. Epstein, he would have to notify Epstein's secretary "Leslie" in New York City, who would then notify Epstein's personal assistant, [redacted] who would relay the message to Epstein. Rodriguez stated Epstein did not want to see or hear the staff when he was in residence.

I asked Rodriguez if Epstein received many guests during his stay in Palm Beach. Rodriguez advised he had many guests. I asked specifically about masseuses coming to the house. Rodriguez stated he would have two massages a day. Epstein would have one massage in the morning and one massage in the afternoon everyday he was in residence. Rodriguez stated he would be informed to expect someone and make them comfortable until either [redacted] or Epstein would meet with them.

Rodriguez stated once the masseuses would arrive, he would allow them entry into the kitchen area and offer them something to drink or eat. They would then be encountered by either [redacted] or Epstein. They would be taken upstairs to provide the massage. I asked Rodriguez if any of the masseuses appeared young in age. He advised he didn't ask their ages but felt they were very young. Rodriguez stated they ate like his own daughter who is in high school. Rodriguez stated they would eat tons of cereal and drink milk all the time. Rodriguez stated the girls that would come appeared to be too young to be masseuses. He stated one time under Epstein's direction, he delivered a dozen roses to [redacted] for one of the girls that came to provide a massage. He knew the girls were still in high school and were of high school age. I asked Rodriguez about the massages. He felt there was a lot more going on than just massages. He would clean Mr. Epstein's bedroom after the alleged massages and would discover massager/vibrators and sex toys scattered on the floor. He also said he would wipe down the vibrators and sex toys and put them away in an armoire. He described the armoire as a small wood armoire which was on the wall close to Epstein's bed. b6 b7C

Epstein ordered Rodriguez to go to the Dollar rent a car and rent a car for the same girl he brought the roses to, so that she could drive her self to Epstein's house without incident. Rodriguez said the girl always needed rides to and from the house. Rodriguez referred himself as a "human ATM machine" and was ordered by Epstein to maintain a minimum balance of $2,000 dollars on him at all times. When a girl would come by the house and Mr. Epstein was either not in residence or was not at home at the time, Rodriguez was to provide the girl (masseuse) several hundred dollars for their time and to notify Epstein the amount they were given. Epstein also ordered Rodriguez to

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purchase several gifts and provide them as tips to the girls. I asked what kind of gifts. Rodriguez stated he purchased IPODS, jewelry, anything the girls would want.

Rodriguez stated the amount of girls that came to the house was approximately fifteen. Each of the girls knew each other and all seemed to know at [redacted] who Mr. Epstein was. When asked to identify these girls, Rodriguez stated he could not at the moment but knew he wrote their names down on a journal he kept during his employ with Mr. Epstein. He kept a journal in the event he needed to explain either to Mr. Epstein or his assistants what was done at the house or who visited the house as he stated he was in-charge of Mr. Epstein's personal security while in Palm Beach. I informed him I would need to view this journal to which he stated he would research the book and contact me to provide the book. The interview was concluded and left the area. I returned back to the police station where the micro cassette was placed into evidence. At approximately 7:20 pm, I was notified Rodriguez located the journal and would call me on January 5, 2005 to provide the journal.

Investigation Continuesàà

********** N A R R A T I V E # 34 **********

NA Reported By: RECAREY, JOSEPH 1/09/06
Entered By.: ALTOMARO, NICKIE A. 1/10/06

On January 5, 2006, I attempted to meet with Alfredo Rodriguez to recover the folder or journal in which he kept the notes that were given to him during his employ with Mr. Jeffrey Epstein. He kept this folder to justify what he did during his employ should the need arise to justify what occurred with the monies he had to keep or any questions as to the petty cash he withdrew from the household account from the bank. At approximately 10:00 pm, I attempted contact with Mr. Rodriguez and discovered he was assisting his wife at her place of employment and would not be able to meet with me. Mr. Rodriguez stated he would meet with me on January 6, 2006, in Broward County, in the morning hours. b6 b7C

On January 6, 2006, at approximately 9:00 am, I received a telephone call from Mr. Rodriguez who advised he had the file in hand and would be traveling northbound to meet with me in Broward County. At 10:50 am, I met with Alfredo Rodriguez at the parking lot of Bank of America in Boca Raton on Yamato Road and Military Trail (known as the Polo Center). Rodriguez produced a green folder which contained documents, a note with Mr. Epstein's stationary with direction to deliver a bucket of roses to [redacted] after [redacted] high school drama performance. Also in that same note was direction to rent a car for [redacted] and direction to extend the rental contract. I returned to the Palm Beach Police Station and placed the folder into evidence.

I received a fax from Verizon from the subpoena request sent on

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01-04-06, for telephone number [redacted]. The phone number is registered to Dr Perry Bard, from West Palm Beach. Dr. Bard is a chiropractor and has an office located 4275 Okeechobee Blvd in West Palm Beach. The cellular number is Dr Bard's personal cellular number.

On January 9, 2006, Det. Caristo and I traveled to [redacted] in Palm Beach Gardens in an attempt to locate Johanna Sjoberg, who had been previously seen on the property and identified through her Florida Drivers License and Florida license Plate. A business card was left for her to return my call. We then traveled to [redacted] and located [redacted] agreed to speak with us and in a private room within the school provided us a taped statement. b6 b7C

During the statement, [redacted] advised that when she was fifteen or sixteen years of age, she was taken to Jeffrey Epstein's house by her associate, [redacted] stated this occurred late May 2004 or early June 2004. She was told she could model lingerie for money for a wealthy Palm Beacher. She remembered they traveled by yellow cab from their residence in West Palm Beach to Epstein's house. She remembered encountering Epstein at the front door during the evening hours. b6 b7C

He introduced himself and brought them into the kitchen so that the chef could prepare something for them to eat. After having a meal, [redacted] and Epstein brought [redacted] upstairs to a master bedroom which had a large bathroom. She observed a large style shower, sauna and there was a large massage bed also in the bathroom. Epstein entered a room within the bathroom and came out wearing only a towel. [redacted] said they would provide a massage on his feet. [redacted] asked why they are doing this. [redacted] told her this was part of the routine and told her to rub his legs and calves. Epstein had told [redacted] to get comfortable. [redacted] continued rubbing Epstein's calves and feet. At Epstein's direction, [redacted] then left the room leaving [redacted] there by herself. Epstein told [redacted] to get comfortable. [redacted] removed her blouse and pants and stayed in her panties. [redacted] stated she was not wearing a bra. She believed she was wearing thong panties. Epstein turned over onto his back and began touching her. Epstein touched her breasts and began touching her in her vagina area. Epstein instructed her to rub his chest and rub his nipples. [redacted] stated the touching consisted over the panties on the first time; he stroked her vagina but stayed on top of the panties. During the first massage, she stated Epstein was stroking her and began masturbating himself at the same time. He put his hands under the towel and appeared as to masturbate himself however she never saw his penis. She continued rubbing his chest until he grabbed her and pulled her closer to him. He appeared to have climaxed because after he pulled her closer to him the massage was over. Epstein had told her that there was two hundred dollars for her on the dresser. He told her that she could not tell anyone what happened at the house or bad things could happen. [redacted] stated she went to Epstein's house three

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or four times total. [redacted] was very scared and felt very nervous. She knew because of Epstein's money he was powerful. After the massage, Epstein ordered his houseman at the time to drive the girls home. The employee was to drop off the girls at their house and watch them go inside their house. b6 b7c

[redacted] could not remember who the houseman was. She stated Epstein and his assistant [redacted] would call her at her father's house to arrange for her to come and "work." She advised each time she returned to the house, Epstein would do the same thing. [redacted] stated it was a routine with Epstein. She would rub his feet and calves. He would then turn over and begin to touch her on her vagina area. The only difference was that it was done without panties. Epstein's fingers would stroke her vagina area as he would masturbate and finally climax and the massage would be over. She was paid $200.00 each time she went. Each time she went she was reminded not to speak of what happened at the house and that she would be contacted again. She began to purposely miss the calls when either [redacted] or Epstein would call her. She once brought a friend, [redacted] unknown last name, to work for Epstein. She was paid $200.00 for bringing [redacted] stated she no longer retuned to work for Epstein. She also stated that she wanted to notify the police of what happened at the house. [redacted] stated she was scared of what could have happened to her or her family if she notified authorities.

On January 10, 2006, I received the results from the subpoena from BellSouth Telecommunications for telephone number [redacted] The number is assigned to [redacted]. I also received the results from Western Union which confirmed the money order sent to [redacted] from Jeffrey Epstein in New York City. The "wire" was sent by Jeffrey Epstein of 457 Madison Ave in New York City on December 23, 2004 at 12:05 pm. The amount of $222.00 was charged to Epstein's credit card so that [redacted] could receive $200.00 in Royal Palm Beach. The twenty-two dollars was for processing and local fees to send the money via Western Union. A copy of the check presented to [redacted] was also attached to the receipt of the wire. This confirmed what [redacted] advised she received as a Christmas bonus from Epstein.

Investigation continues.

********** N A R R A T I V E # 35 **********

NA Reported By: RECAREY, JOSEPH 1/10/06
Entered By.: ALTOMARO, NICKIE A. 1/10/06

I received and reviewed the Cingular Wireless results from the subpoena requests for subscriber information for telephone numbers [redacted] The first number, [redacted] is assigned to Janusz Banasiak in care of Jeffrey Epstein of 457 Madison Ave in New York City. Banasiak is the current houseman/house manager for 358 El Brillo Way in Palm Beach, Fl 33480. The second number, [redacted], is assigned to [redacted] of

Case No. . . . : 1-05-000368 (Continued)

1685 61st Drive in West Palm Beach. Research conducted on Venero revealed she is a licensed Massage therapist with a Florida conditional/active license number [redacted]. Venero [redacted]. The last number [redacted] is assigned to Thomas Rofrano of 9850 Alt A1A in Palm Beach Gardens. Research on Mr. Rofrano, revealed that he is a Florida Chiropractic Physician.

Vehicles that were previously documented on the property while surveillance was being conducted were researched. I determined a [redacted], bearing Florida license [redacted], was seen on the property in which a young white female was seen entering the Epstein property. Research was conducted which revealed that the vehicle is registered to [redacted] has two daughters, [redacted] is currently residing in [redacted] is residing with her father in [redacted] Research on [redacted] revealed she was recently involved in [redacted]. A request to discover any information from [redacted] was requested. b6 b7C

I spoke with ASA Daliah Weiss who informed me that Janusz Banasiak will be available for an interview tomorrow at the State Attorney's Office in West Palm Beach at 1:30 pm. I informed her that I would be at her office for the interview.

********** N A R R A T I V E # 36 **********

NA Reported By: RECAREY, JOSEPH 1/23/06
Entered By.: ALTOMARO, NICKIE A. 1/23/06

On January 19, 2006, Det. Caristo and I met with [redacted] at 622 Holly Drive in Palm Beach Gardens. [redacted] was identified as a licensed massage therapist who had previously been seen on Epstein's property when physical surveillance was done. [redacted] was told of the on going investigation and I felt she may have information pertaining to the case. During a sworn taped statement, [redacted] stated she met Epstein three years ago when Ghaline Maxwell approached her while she was attending Palm Beach Atlantic College to work around Epstein's house. Maxwell had told her that they needed some girls to work at the house to answer phones and run errands. [redacted] accepted the job and began working at Epstein's house on El Brillo in Palm Beach. [redacted] stated it was a part time job during the time she went to Palm Beach Atlantic College. She continued going to Epstein's house and would be notified when Epstein would travel to Palm Beach. [redacted] advised she would be notified by Maxwell, Epstein or [redacted] his assistant, when he would travel to Palm Beach. [redacted] stated she began providing massages to Epstein before she became a massage therapist. She continued giving massages not only to Epstein but to [redacted], and [redacted], his assistant. [redacted] was asked about what occurred during the massages. [redacted] stated as she was twenty

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three years old when she met Epstein, anything that happened was between two consenting adults. I explained to her that she was not in any trouble however as part of this investigation, I needed to ask certain questions. [redacted] stated that there were times that Epstein would ask her to perform during the massage. He would instruct her to rub his nipples as he masturbated himself. [redacted] stated she felt "grossed" about the behavior but as she was getting paid, she just continued. [redacted] also advised she would on occasion perform the massages naked. Epstein would on occasion, utilize the vibrator/massager on her vagina area when she performed the massages. [redacted] explained that Epstein never exposed himself to her as he maintained himself covered under the towel he would be wearing. When Epstein would masturbate he would be covered.

I asked if [redacted] ever received any gifts, or any gratuities from Epstein. [redacted] advised aside from being paid well, she advised Epstein took care of her tuition from Palm Beach Atlantic College. She received a rental car for a week when her scooter broke down.

Additionally she received other gifts from Epstein. Epstein also recommended her to another client who resides at Breakers Row in Palm Beach. The client she was referred to was "Glenn" unknown last name, and his wife, who she provided a massages to. The statement was concluded and placed into evidence upon our return to the Palm Beach Police Department.

While at the police station, I researched Florida tag [redacted] which was also previously seen on the property when there was physical surveillance being done at the property. The vehicle is registered to [redacted], Florida. Researching [redacted] and the vehicle revealed that his daughter, [redacted] in Lake Clark Shores. The vehicle is a tan, Chevrolet Camaro, 2-door. I researched [redacted] date of birth, [redacted] resides at [redacted] in [redacted] has a my space page called www.myspace.com/[redacted]. In her web page, shows various photos of [redacted] photographed at a beach. An interview is forthcoming. b6 b7C

A review of the video disks which was extracted at the Palm Beach County Sheriff's Office Computer Crime Unit revealed that only one hidden camera was functional at the time. Several images of Epstein working at his office were seen. Additional footage of [redacted] and [redacted] was seen. There was other footage of females seen. The identity of the females is unknown at this time, until such time as I meet with certain females to show the video footage to confirm if, in fact, it is them on the video. At this time it appears that [redacted] and [redacted] are seen sitting with Epstein beside his desk in the evening hours. Due to poor lighting, a direct confirmation cannot be made at this time.

Inv. Continues.

Case No. . . . : 1-05-000368 (Continued)

********** N A R R A T I V E # 37 **********

NA Reported By: RECAREY, JOSEPH 1/30/06
Entered By.: ALTOMARO, NICKIE A. 1/30/06

On January 25, 2006, Det Caristo and I, responded to [redacted] and met with [redacted] stated last year, when she was seventeen years of age, she met Jeffrey Epstein through her former room mate [redacted] was allegedly dating Epstein at the time. [redacted] had once cohabitated together when they modeled. [redacted] explained [redacted] called her on her telephone and advised her that she was in Palm Beach and requested to see her. [redacted] made arrangements to meet with her at Epstein's house. [redacted] arrived and met Epstein and [redacted] and [redacted] went to the Palm Beach Mall together and went shopping. [redacted] advised that [redacted] and she had received money from Epstein to go to the mall. They visited Victoria's Secret and purchased undergarments from the store utilizing monies given by Epstein. [redacted] advised she purchased one item and [redacted] purchase various items. The money used to purchase the items was the money given by Epstein.

b6
b7C

[redacted] continued shopping and having a day together. [redacted] stated [redacted] explained how she and Epstein have been dating each other and he has been paying all of her bills. [redacted] claimed [redacted] advised they met in New York and had been dating ever since. They later returned to Epstein's home and encountered Epstein. He had a brief conversation with [redacted] about her modeling career. He knew of her modeling career from [redacted] He requested to see her modeling portfolio and explained that he could help her with modeling jobs. [redacted] had her book with her to show [redacted] and showed the book to Epstein. He commented negatively about her photographs and portfolio. [redacted] felt uncomfortable with the comments made as she had been working with other professional modeling companies who had offered her work from her photographs. Epstein requested to see what was purchased at the mall. [redacted] took out the undergarments which were purchased. She immediately showed Epstein different sets purchased. Epstein then requested to view what [redacted] purchased. [redacted] was reluctant to show the outfit however since it was Epstein's money that purchased the item, she pulled it out of the bag. Epstein asked her to try it on. [redacted] looked at [redacted] who told her "yeah, try it on." Feeling compelled to try the undergarment outfit on; she went to another room and put on the bra and panty set. She walked out to the living room where they were sitting, and modeled the suit. She then went back into the other room and changed back into her clothes. [redacted] returned into the room and told [redacted] she would be going home. [redacted] scheduled another day for [redacted] to return for massages with her.

[redacted] stated within that same week, she returned to meet with [redacted] and have a massage. [redacted] had told her that she would be unable to stay with her as she would be going on a bike ride with Epstein. [redacted] explained she could stay at the house and take advantage of the massage.

Case No. . . . : 1-05-000368 (Continued)

[redacted] stated she met with an unknown massage therapist and had the table already set up in a guest room. [redacted] removed her clothing, leaving her panties on, and wrapped herself with a towel for the massage. [redacted] remembered that the door to the guest room was closed but not locked. As the therapist was working her back, the door was opened by Epstein and entered into the room. [redacted] was trying to conceal herself as Epstein was talking to her about his chiropractic session. Epstein told [redacted] turn over onto her back. [redacted] eventually turned over exposing her breasts to Epstein as he applied pressure on her shoulder and her waist. [redacted] stated Epstein "popped" her back. [redacted] removed her self from the table, got dressed and left the house. [redacted] further stated [redacted] had attempted to call her on several occasions to invite her back to Epstein's house to which [redacted] replied "I'm busy." [redacted] advised she has not had contact with either [redacted] or Jeffrey Epstein. It should be noted that her mother, [redacted] was present during the interview. The interview was concluded and we thanked them her for their time.

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b7C

********** N A R R A T I V E # 38 **********

NA Reported By: RECAREY, JOSEPH 1/31/06
Entered By.: ALTOMARO, NICKIE A. 1/31/06

On January 27, 2006, I made telephone contact with Christina Venero, at [redacted]. Venero is a licensed massage therapist who had frequented the home of Jeffrey Epstein. Ms. Venero has been unable to meet with me in Palm Beach County, and because she lives and works in Port St Lucie, a telephone interview was conducted. I explained to Ms. Venero that there was an on going investigation involving Jeffrey Epstein.

Venero stated she knows Epstein and has been employed by him for approximately three years. Epstein has paid Venero to perform Swedish Massages (Deep Tissue) on him and other guests. Venero explained that approximately three year ago she met Ghislaine Maxwell and Jeffrey Epstein through a mutual friend. Epstein and Maxwell were looking for a massage therapist. Venero stated since that time, she is notified when Epstein is coming to Palm Beach. Venero stated she comes to his house and provides the massage or massages. Venero explained she has also massaged his guests and assistants. Venero continued that she is paid $100.00 and hour for the massage.

I asked Venero if anything occurred during the massage that would have made her feel uncomfortable. Venero stated she only provided massages and that was it. She never was approached for anything else. I asked if Epstein ever asked her to rub his chest she stated she would not rub his chest as that is not part of her massage. Venero explained that she was not Epstein's type. The girls she would see at Epstein's house were very thin, beautiful and without tattoos. Venero explained she has several tattoos that are visible. Maxwell and Epstein have commented negatively about her tattoos previously when she has provided massages.

Case No. . . . : 1-05-000368 (Continued)

Venero stated she only provided massages for Epstein and his associates and nothing happened during those massages. Venero stated as she does Swedish style massages, the patient is usually sore after the massages. I thanked her for her assistance and the interview was concluded at this time.

I received a facsimile from T-Mobile Cellular service on telephone number [redacted], which is assigned to David Rodgers, pilot for Mr. Epstein, who resides in Lake Worth. Rodgers' telephone number was dialed on several occasions by [redacted]. A background on Rodgers indicated he has a valid FAA pilot license First Class for the Southern FAA Region. Rodgers has another historical FAA license for Airline Transport Pilot.

Investigation Continues.

********** N A R R A T I V E # 39 **********

NA Reported By: RECAREY, JOSEPH 2/14/06
Entered By.: ALTOMARO, NICKIE A. 2/16/06

On Friday, February 3, 2006, I had made arrangements to meet with [redacted] at the Palm Beach Police Station. At approximately 1:00pm, [redacted] and her friend, [redacted] arrived at the police station. During an interview with [redacted] she stated she met Epstein when she turned eighteen years old and was brought to Epstein's house to provide a massage. She advised this occurred on May of 2005. She advised [redacted] had informed her if she wanted to provide a massage for $200.00. [redacted] agreed and was brought to Epstein's house to provide a massage. [redacted] stated she had been to the house on many occasions during the massage sessions. [redacted] also stated she would remove her clothing to provide the massage on Epstein. [redacted] advised Epstein would pay her $300.00 to rub his back, legs and chest. During the massages, Epstein would masturbate himself as she rubbed his chest. I asked her if Epstein ever touched her breasts during the massages. [redacted] replied. "Yes." I asked her if Epstein ever touched or massaged her vagina. [redacted] stated he had on several occasions. I asked her if he ever penetrated her with either his penis or any other objects. [redacted] stated that during a massage he inserted his fingers in her vagina as she massaged him. She stated this occurred one time only. [redacted] stated the massage would be over when Epstein would climax onto a towel. I asked [redacted] if she had any formal massage training to which she replied that she did not. [redacted] was then asked if she ever brought anyone to the house to "work." [redacted] stated she brought two people to the house. She advised she received money for bringing people to the house to "work." [redacted] stated she brought a girl named [redacted] and her friend [redacted] was still waiting for [redacted] in the lobby of the police station. I thanked [redacted] for her time and her cooperation and escorted her to the lobby.

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I asked [redacted] if I could speak with her about this investigation. I

Case No. . . . : 1-05-000368 (Continued)

brought her to the interview room and explained to her that I was conducting an investigation on Jeffrey Epstein and felt she may have information pertaining to the investigation. [redacted] identified herself as [redacted] and resides in Wellington, Florida. She advised approximately a year ago she was brought to Epstein's house to provide a massage for money. [redacted] stated she needed to make money and felt it was a quick way to make some money. [redacted] stated she was brought to the house by [redacted] and was introduced to Epstein and his assistant. She was brought to his main bathroom and provided a massage. I asked her if she provided the massage naked. [redacted] stated she did. She rubbed Epstein's legs, back and chest. I asked [redacted] if Epstein touched her during the massage. She advised he did not, however he did masturbate himself as she rubbed his chest. Once he climaxed the massage was over. She was paid her money and left the area. [redacted] advised it occurred one time and she never returned to Epstein's house. The interview was concluded and [redacted] was escorted to the lobby.

I located a telephone number for [redacted] and attempted to contact her on several occasions. I called [redacted] and spoke with [redacted] who advised she would speak with me in Deerfield Beach where she resides. Due to a scheduling conflict, we were unable to meet. I informed her I would contact her to schedule another appointment to speak with her about this investigation. I have attempted to meet with her and make telephone contact with negative results. b6 b7C

On February 13, 2006, I met with David Rodgers at 7318 Heathley Drive in Lake Worth. Rodgers was identified as Epstein's pilot. I spoke with Rodgers who advised he has been employed with Epstein since 1991. He flies both planes for Epstein depending where he wants to fly to. Rodgers was asked about passengers in the plane he flies. Rodgers stated unless Epstein flew to his island off of St Thomas, there would be no way of knowing who the passengers were. I mentioned a recent flight to Ohio, where Rodgers flew to Ohio to pick up [redacted] Rodgers stated he recalled flying on several occasions and did remember [redacted] Rodgers stated once he is in the cockpit, he does not know who the passengers are. When he prepares the passenger manifests, he lists Epstein and his assistants he knows by name, [redacted] and [redacted]. Rodgers stated he would list either female or male passengers on the manifests only to keep a count on the passengers. Mrs. Rodgers came into the living room and recommended that her husband consult with an attorney. Mr. Rodgers agreed he would speak with the family attorney to inform him of this questioning. I explained to Mr. Rodgers that he was not the suspect in this investigation and ceased all questions. Based on the fact Rodgers could not advise who passengers were in the plane, I then left the area.

I attempted to locate [redacted] in Wellington. I left my business card for her to return my call. On February 14, 2006, at 12:06 pm, I received a call back from [redacted]

Case No. . . . : 1-05-000368 (Continued)

on my voice mail. [redacted] left her telephone number for a return call [redacted] I left her a message to return call. b6 b7C

Investigation Continues..

********** N A R R A T I V E # 40 **********

NA Reported By: RECAREY, JOSEPH 2/21/06
Entered By.: ALTOMARO, NICKIE A. 2/22/06

On February 15, 2006, I made telephone contact with [redacted] who provided directions to where I could locate her. Det Caristo and I responded to 806 Old Dixie Hwy in Lake Park to meet with [redacted] Upon my arrival, I met with [redacted] in the parking lot directly behind MAACO Auto Painting. She was advised I was there to speak with her about an ongoing investigation that concerned Jeffrey Epstein in Palm Beach. [redacted] stated she knows Epstein very well and did not want to speak with me about Mr. Epstein. She was very fond of Epstein and did not want to speak with me about anything concerning Jeffrey Epstein. I explained to her that she was seen at the house and I would like to speak with her. She stated she knew there was an investigation and that I had spoken with other people and therefore I should know what happened at Epstein's house. [redacted] ended the conversation and walked back into her boyfriends business, Blanton Automotive. Det Caristo and I left the area and returned to the police station.

Investigation continues.

********** N A R R A T I V E # 41 **********

NA Reported By: RECAREY, JOSEPH 4/10/06
Entered By.: ALTOMARO, NICKIE A. 4/10/06

A Grand Jury Session was requested during the month of February 2006, in which all the girls that had been interviewed would have been called to testify before the Grand Jury to seek an indictment against Jeffrey Epstein. Due to subsequent meetings with the State Attorney's Office and Defense Attorney Alan Dershowitz the Grand Jury was postponed until a later time. Dershowitz had provided a package of material on the main victims in this case in which they appear on myspace.com and speak about alcohol use and some marijuana use. The State Attorney's Office wanted time to review the material.

I requested additional subpoenas from the State Attorney's Office in which I requested information from Dollar Rent a Car and Jet Aviation. The information requested from Dollar Rent a Car was for the rented vehicle by Alfredo Rodriguez while under the employ of Epstein for one of the victims. The other subpoena requested was for Jet Aviation for dates and times when Epstein's planes were in Palm Beach County.

I continued to research other names that were acquired either from interviews or intelligence gathered during the investigation. I

Case No. . . . . : 1-05-000368 (Continued)

located [redacted] in Royal Palm Beach. I responded to [redacted] [redacted] in Royal Palm Beach. During the interview, [redacted] stated she knew I would be speaking with her. [redacted] stated she was first introduced to Epstein when she turned eighteen years old. [redacted] stated she was sure of her age as it was her senior year in [redacted]. She advised she was brought there to make money and was told she would have to provide a massage to this Palm Beach guy. She remembered she met Epstein and his assistant [redacted] in the kitchen area. She stated she was taken by one of her friends, [redacted] She stated she went upstairs with [redacted] while Epstein got ready for the massage. He exited his bathroom naked and [redacted] turned around. Epstein asked her if being naked offended her. [redacted] stated it made her uncomfortable. Epstein then put on a towel and lay on the table. [redacted] stated she rubbed his back and feet. She stated she had no massage training or experience. [redacted] stated during the massage, Epstein attempted to touch her buttocks. [redacted] pulled away as he touched her buttocks. She told him again she was uncomfortable with him touching her. Epstein then cut the massage short and became upset with her. Epstein paid her $200.00 for the massage and told her to leave the house. [redacted] never returned to the house. She did advise of one time she went with [redacted] however she waited in the car for [redacted] as she did not want to go into the house. At the conclusion of [redacted] visit with Epstein they left the area. [redacted] stated she had heard from other girls that have gone to the house that Epstein now required them to do the massage naked and allow him to touch them in their private areas for monies. The interview was concluded as [redacted] did not have any other information to provide.

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I then learned from the original victim, [redacted] the defense attorney had learned of her identity. I spoke with the father of the victim, who stated there has been a private investigator on his house photographing his family and chasing visitors who come to the house. He provided a Florida License of E79-4EH. This vehicle is registered to Ivan Robles of West Palm Beach. Robles is a private investigator intern who is licensed by the state. I informed the State Attorney's Office of the above information.

I received the Grand Jury subpoenas to be delivered to three victims for a Grand Jury session to be held on April 18, through April 20, 2006.

Investigation continues.

********** N A R R A T I V E # 42 **********

NA Reported By: RECAREY, JOSEPH 4/14/06
Entered By.: ALTOMARO, NICKIE A. 4/18/06

The Grand Jury Subpoenas were personally served to the individuals they were issued to. On April 5, 2006, at approximately 7:30 p.m., I personally served the parents [redacted] who had informed me that the private investigators were still photographing the family. On April

Case No. . . . : 1-05-000368 (Continued)

10, 2006, at approximately 2:30 p.m., I served [redacted] at her residence in [redacted]. The subpoena was given to her mother, [redacted]

I learned through one of the victims [redacted] that she was personally contacted through a source that has maintained contact with Epstein. The source assured [redacted] she would receive monetary compensation for her assistance in not cooperating with law enforcement. [redacted] also stated she was told, "Those who help him will be compensated and those who hurt him will be dealt with." I told [redacted] that tampering with a witness/victim is an arrestable offense and very serious. I asked her who approached her during this encounter. [redacted] originally was reluctant to provide the name of the person who approached her to offer her not to testify because she felt they were still friends.

On April 11, 2006, Det Dawson and I traveled to Tallahassee, Florida and met with the victim, [redacted] identified [redacted] W/F, [redacted] as the person who approached her in Royal Palm Beach while she was home during Spring Break in March 2006. [redacted] also stated she did not want to pursue the intimidation charges on [redacted] was concerned that the defense attorney was given a copy of the report as certain things she had told me in confidence were repeated to her by [redacted]. Prior to our departure, the victim was given a copy of her subpoena for the Grand Jury which was scheduled to commence April 18, 2006.

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Upon our return from Tallahassee, I notified the State Attorney's Office of what was told to me. I also notified them that the subpoenas were delivered to the witnesses and they would be calling for arrangements for the date and time needed for the Grand Jury. I spoke with ASA Weiss and informed her of the possible intimidation by the defense.

On April 13, and April 14, 2006 I attempted contact on several occasions with ASA Weiss and ASA Belohlavic to ascertain when the victims needed to report for Grand Jury testimony. Messages were left on their voicemail. On April 17, 2006, during the hours of 9:00 am and 11:30 am, I again left messages for ASA Weiss and ASA Belohlavic for either of them to return my call as I had not heard from the State Attorney's Office as to the time and date of the Grand Jury.

At approximately 12:30 pm, I went to the State Attorney's Office and located ASA Weiss and ASA Belohlavic in their offices. I entered ASA Belohlavic's office who informed me that she was going to return my call. She explained that an offer was made to the defense, Atty Guy Fronstin and Atty Alan Dershowitz. The offer is 1 count of Agg Assault with intent to commit a felony, five years probation, with adjudication withheld. Epstein would have to submit to psychiatric/sexual evaluation and no unsupervised visits with minors. When asked about the all the other victims, ASA Belohlavic stated that was the only offer made as to one victim, [redacted] ASA Belohlavic cell phone rang and went to voice mail. She checked her voice mail and played the message on speaker. The caller identified himself as

Case No. . . . : 1-05-000368 (Continued)

Atty Guy Fronstin and acknowledged the deal made between them. Fronstin stated in the message, he spoke with his client, Jeffrey Epstein, and agreed to the deal. Fronstin asked to call off the grand jury as they would accept this deal. Belohlavic stated a probable cause would be needed to book Epstein in the county jail and would let me know as to when it would be needed. I explained my disapproval of the deal and not being consulted prior to the deal being offered. However I expressed that was only my opinion and the final approval would come from the Chief of Police. She explained to have Chief Reiter call Barry Krisher about the deal. I left the area and returned to the police station where I briefed the Chief about the deal offered. b6 b7C

I checked my voice mail messages and discovered a message from [redacted] stepmother for the victim [redacted] She was calling because the State Attorney's Office still had not returned any of her calls as to when they are needed for this case. I then called ASA Belohlavic's office and left messages for her to call the victims on this case and explained to them what the State Attorney's Office had done.

On April 17, 2006, at approximately 4:30 pm, State Attorney Investigator Tim Valentine called to officially notify me of the cancellation of the Grand Jury. He requested I contact the victims that had been served to appear, to notify them of the cancellation. I advised Valentine that as this Grand Jury session was called based on the State Attorney's Office decision to have the victims heard by the Grand Jury that I felt it was the States Attorney's Office responsibility to contact the victims and advise them of the reason they were no longer needed.

********** N A R R A T I V E # 43 **********

NA Reported By: RECAREY, JOSEPH 5/04/06
Entered By.: ALTOMARO, NICKIE A. 5/04/06

As I had not received any contact from anyone at the State Attorney's Office, on May 1, 2006, I prepared three arrest warrant requests and submitted them to the State Attorney's Office. The packages were delivered to the Crimes against Children Unit in care of ASA Lana Belohlavek. Jeffrey Epstein's arrest warrant was requested for 4 counts of Unlawful Sexual activity with certain minors and one count of Lewd and Lascivious Molestation. [redacted], Epstein's assistant's, arrest warrant request was for 4 counts of Principal in the 1st degree Unlawful Sexual activity with certain minors and one count of Principal in the 1st degree Lewd and Lascivious Molestation. [redacted]'s arrest warrant request was for Lewd and Lascivious Acts on a victim under 16 years of age. The receipt of delivery was signed and brought back to the records division at the police department.

On May 3, 2006, at approximately 2:54 pm, I received a telephone call from ASA Daliah Weiss on my cellular telephone. ASA Weiss advised she

Case No. . . . : 1-05-000368 (Continued)

has been taken off the Jeffrey Epstein case because her husband is employed with Attorney Jack Goldberger. Attorney Goldberger is the attorney of record for Jeffrey Epstein. His previous attorney, Guy Fronstin, has been fired from representation. ASA Lana Belohlavek has been assigned the case. ASA Weiss stated she can no longer speak about the Epstein case with me. I thanked her for her telephone call. ASA Weiss further stated that ASA Belohlavek would be calling me.

********** N A R R A T I V E # 44 **********

NA Reported By: RECAREY, JOSEPH 5/15/06
Entered By.: ALTOMARO, NICKIE A. 5/15/06

On May 10, 2006, information was received that Epstein's associate, Leslie Wexner, The Limited Inc, CEO's, plane had arrived in West Palm Beach, PBIA. The plane, a Gulfstream 4 bearing a N900LS registration, was on the tarmac at Galaxy Aviation. As Epstein had recently acquired the services of a new attorney, and the fact that Epstein's house is currently under remodeling, it was believed that Epstein may be in Palm Beach. I conducted physical surveillance at the residence, 358 El Brillo Way. I observed a large construction crew conducting remodeling at the house. The contractor, David Norr, was observed driving a Ford Explorer, white in color. The vehicle has a Florida registration of F30QQF. Norr left Epstein's house and traveled north on County Road. Det Caristo and I conducted surveillance on Norr. Norr traveled to several construction sites and checked on certain jobs. Surveillance was discontinued on Norr and Det Caristo and I traveled to Galaxy Aviation. I observed the white plane with a blue stripe along the body and tail of the plane; the tail number was visible on the bottom of the tail, closer to the body of the plane. We maintained visual surveillance on the plane until 4:57 p.m., when a caravan of Cadillac Escalades drove onto the tarmac. We observed several people exit the vehicles and discovered that they were part of the executive team for Limited Inc. The executives were in Palm Beach County for an executive meeting for the day. They arrived in Palm Beach County on May 9, 2006 at 9:30 pm and were scheduled to leave on the 10th at 5:00 pm.

On May 12, 2006, I met with ASA Lana Belohlavek at the State Attorney's Office. She explained that her boss, Barry Krischer, was requesting this case be taken to the Grand Jury again. I explained to her I had requested arrest warrants for Jeffrey Epstein, [redacted] and [redacted]. I asked that she either issue the warrants or direct file, as so much time has elapsed since the original request to the Grand Jury. I explained that the Palm Beach Police Department had concluded the case in December of 2005 and has been waiting for the case to go forward. Belohlavek stated the original offer was again offered to the new defense attorney. She was waiting for their answer by Friday May 19, 2006. She stated she would advise me of the answer.

********** N A R R A T I V E # 45 **********

NA Reported By: RECAREY, JOSEPH 6/05/06

Case No. . . . . : 1-05-000368 (Continued)
Entered By.: ALTOMARO, NICKIE A. 6/06/06

On May 22, 2006, I received several phone calls throughout the day from Mr. who stated he had been followed aggressively by a private investigator. Mr. stated that as he drove to and from work and running errands throughout the county, the same vehicle was behind him running other vehicles off the road in an attempt not to lose sight of Mr. vehicle.

I explained to him as Mr. Epstein had retained new legal council it was possible it would be new private investigators following him to observe his daily activities. I also explained to him that there was a meeting scheduled with ASA Lana Belohlavek and Attorney Jack Goldberger at Mr. Krischer's office scheduled on June 1, 2006 at 9:00 am. I attempted to call ASA Lana Belohlavek to inform her of the private investigators following Mr. however; she was on her vacation during the week of May 22 through May 30 2006.

On May 23, 2006, I received other phone calls from Mr. and Mrs. who advised they were able to acquire the private investigators license plate information. The subject following them was again driving very aggressively and caused Mrs. to run off the road. Mrs. stated the vehicle is a green Chevy Monte Carlo bearing Florida tag I35-XGA. The vehicle is registered to Zachary Bechard of Jupiter Florida. Bechard is employed with Candor Investigations from Jupiter, Florida. Bechard is a licensed Private Investigator in the State of Florida.

Since the discovery of the threat made against one of the victims in this case , I requested subpoenas for all calls made to and received from during the month of March 2006 for her cell phone and home phone. I had confirmed with the exact dates of Spring Break for 2006.. The Spring Break was from March 4, 2006 through March 12, 2006. I received a subpoena from Sprint/Nextel with all calls made during the month of March 2006. I reviewed the 989 calls made and received during the month of March 2006. I observed on March 7, 2006, made and received thirty five calls during that day.

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Date	Time	Seconds	In/Out	To/From
7-Mar-06	11:03 AM	492	Outbound	561XXXX
7-Mar-06	11:16 AM	6	Inbound	561XXXX
7-Mar-06	11:22 AM	887.2	Inbound	561XXXX
7-Mar-06	11:37 AM	48	Outbound	
7-Mar-06	11:39 AM	28.2	Inbound	
7-Mar-06	12:02 PM	727.2	Inbound	

The table reflects the date of the calls, time of day (EST), duration

Case No. . . . : 1-05-000368 (Continued)

of call in seconds, inbound or outbound calls and calls made to or from [redacted] phone. On March 7, 2006, at 11:03 am, [redacted] made a call to the victim [redacted] which lasted 492 seconds (8 minutes and 2 seconds). The victim then returned the call at 11:16 am which lasted 6 seconds. The victim then made contact with [redacted] at 11:22 am for 877.2 seconds (14 minutes and 6 seconds). These sequences of calls were consistent with what the victim had described to me on the date of the intimidation. Immediately after speaking with the victim, [redacted] makes a call to [redacted] Epstein's assistant, which lasts for forty-eight seconds. A call is then immediately received, a telephone number registered to a Corporation affiliated with Jeffrey Epstein located at 457 Madison Ave in New York. An extensive computer check revealed 457 Madison Ave is a business address in which Epstein has his corporations assigned to. Epstein had corporation attorney, Darren Indyke, register the businesses and register himself as an agent. I also observed Epstein has his El Zorro Ranch Corporation, New York Strategy Group, Ghislaine Corporation, J Epstein and Company and the Financial Strategy Group registered to this same address. Finally, a third call is received by [redacted] at 12:02 pm from the same corporate number which lasts 12 minutes and 1 second. It should be noted that there is no further contact with either the victim during the month of March or April of 2006. I also noted that there was no further contact with [redacted] or Jeffrey Epstein during the remainder of the month of March or April 2006.

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On June 1, 2006, ASA Lana Belohlavek telephoned me to inform me of the meeting that occurred with Atty. Jack Goldberger and her reference this case. She advised she would make her determination on whether to file on this case or not by Monday June 5, 2006.

Inv Continues.

********** N A R R A T I V E # 46 **********

NA Reported By: RECAREY, JOSEPH 7/12/06
Entered By.: ALTOMARO, NICKIE A. 7/12/06

On June 29, 2006, I had spoken to ASA Lana Belohlavic who informed me that the case would be sent to the Grand Jury for charges. She informed me that the grand jury would convene on July 19, 2006 to hear the Epstein case. Belohlavic stated State Attorney Barry Krisher made the determination to go the Grand Jury to hear the case.

On July 12, 2006, I spoke with Mrs. [redacted] mother of the victim, [redacted] who inquired about the status of the case. I explained to her that I was told we would be going to the Grand Jury during the week of July 19, 2006. She stated she had not been contacted as of yet by the State Attorney's Office for any information. I provided her with the telephone numbers to the State Attorney's Office.

Investigation continues...

* * * * * * * * * * * * * * * * END OF REPORT * * * * * * * * * * * * * * * * *

Case Number . : 1-06-001078
SPECIAL NOTES : DO NOT RELEASE - JUVENILES
Occur From Date: 3/01/04 0000 Occur To Date : 5/31/05 0000
Report Date . : 7/28/06 1200 Day Of Week . : Monday
Common/Location: 345 S COUNTY RD
City . . . . . : PALM BEACH, FL
Location Type : GOVERNMENT/PUBLIC BUILDING
Beat Assignment: DETECTIVE BUREAU Map Reference : 14
Dept Class . . : POLICE INFORMATION Report Officer : DAWSON, MICHAEL
Case Status . : OPEN / ACTIVE Case Status Dt : 7/28/06
Supervisory Dt.: GUDGER, ELMER 7/28/06 Entry Date . . : OREGERO, LAURA 8/04/06
Names? . . . . . : Property? . . :
Vehicles? . . : Offenses? . . :
Narrative? . . : Related Cases? :
Interfaces? . . :

********** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 **

Case Number . : 1-06-001078 Prompt valid in: EPSTEIN, JEFFREY
Street Number : 358 EL BRILLO WY
City . . . . . : PALM BEACH, FL 000033480
Birth Date . . : 1/20/1953 51 Maximum Age . : 51
Employer? . . : Occupation . . : FINANCIAL ADVISOR
Oper Lic No. . : E12342530200 FL Home Phone No. :
Other Phone Nbr: Race . . . . . : White
Sex . . . . . : Male Minimum Height : 600
Minimum Weight : 180 Maximum Height : 0
Maximum Weight : 0 Misc. ID# . . :
Aliases? . . . : MO/Crime Spec? :
Hair Color . . : SALT & PEPPER Hair Length . :
Hair Style . . : Eye Color . . : BLUE
Glasses . . . : No Complexion . . : LIGHT
Facial Hair . : Build . . . . : MEDIUM
Teeth . . . . : Speech . . . . :
Hat . . . . . : Coat . . . . . :
Shirt . . . . : Pants . . . . :
Shoes . . . . : Body Marks #1 :
Body Marks #2 : Body Marks #3 :
Body Marks #4 : Status . . . . : STILL SUSPECT
Arrest Case No.: Additional UCR?:

********** V I C T I M I N F O R M A T I O N - # 1 **********

Case Number . : [redacted] Prompt valid in: [redacted]
Street Number : [redacted]
City . . . . . : [redacted]
Birth Date/Age : [redacted] Employer? . . : [redacted]
Occupation . . : [redacted] Oper Lic No. . : [redacted]
Home Phone No. : [redacted] Race . . . . . : [redacted]
Sex . . . . . : [redacted] Height . . . . : [redacted]
Weight . . . . : [redacted] Misc. ID# . . : [redacted]
Be On Look Out?: [redacted] Other Phone Nbr: [redacted]
Victim Type . : [redacted] Residency Type : [redacted]
Residency Sts : [redacted] File Charges . : [redacted]
Can Identify . : [redacted] Victim Sobriety: [redacted]
Injury Extent : [redacted] Injury Type 1 : [redacted]

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[redacted] b6 b7C

********** N A R R A T I V E # 1 **********
Original Report LO Reported By: DAWSON, MICHAEL C. 7/28/06
Entered By.: OREGERO, LAURA D. 8/04/06

On July 27, 2006, the Palm Beach Police Department received a phone call from a woman [redacted] said she read a recent newspaper article about the arrest of Jeffrey Epstein and advised she has information about Epstein. An attempt was made to interview [redacted] immediately but she advised she had to work and would not be available to meet on this date. [redacted] said she could meet with Detectives on July 28, 2006, at 12 Noon.

On July 28, 2006, at approximately 1200 HRS, WF [redacted] DOB [redacted], came to the Palm Beach Police Station. I verified [redacted] identification by her Florida driver's license. [redacted] said she read an article in the Palm Beach Post newspaper on July 25, 2006, which advised Jeffrey Epstein was arrested. [redacted] said the article advised a lie detector test was passed by Epstein which stated Epstein did not know the girls in question where under the age of 18. [redacted] she was a victim of Epstein and she advised she told him on numerous occasions she was only 17 years of age. I took a sworn taped statement from [redacted]

[redacted] said she had approximately ten contacts with Epstein between the months of February 2004 and May 2005. [redacted] explained how she first came in contact with Epstein. [redacted] said one night in February of 2004, she was hanging out with a friend named [redacted] said [redacted] told her she could make some money by massaging a man that lived in Palm Beach. [redacted] said the next morning, she received a phone call from [redacted] asking if she wanted to go to see this man. [redacted] said she decided to go with [redacted] to Palm Beach. [redacted] said [redacted] told her she would have to massage this man and possibly take her clothes off. [redacted] told [redacted] she would receive approximately $200 for this massage.

[redacted] said she drove [redacted] to Palm Beach. [redacted] said she took the Southern Blvd. Bridge into Palm Beach and then drove North on the road next to the beach (A1A). [redacted] said she turned onto El Brillo and drove to the last house on the left. [redacted] described the house as being white in color. She parked the car in home's driveway and

1-06-001078 (Continued)

noticed two black Suburban SUVs. She advised there were two black Mercedes Benz vehicles in the garage along with a Harley Davidson motorcycle. [redacted] said they walked through a gate to the back door where they were greeted by a Chinese woman who was wearing some type of uniform. [redacted] said the woman told them to wait in the kitchen for [redacted]. [redacted] said a [redacted] then entered the kitchen. [redacted] described [redacted] as being in her 20s, blond, thin, and approximately 5'6". [redacted] advised [redacted] to take [redacted] up to the bathroom and show [redacted] what to do. b6 b7C

[redacted] said once in the upstairs bathroom, she noticed a massage table in the middle of the room. [redacted] saw a green and pink couch in the room. [redacted] saw numerous towels stacked in the left corner of the room. [redacted] said Epstein entered the room wearing a robe. [redacted] said the man introduced himself as Jeffrey and shook her hand. Epstein also said hello to [redacted] said Epstein dropped his robe and was wearing a towel around his waist. Epstein laid face down on the table at which time she and [redacted] began to massage him. [redacted] said while they were massaging Epstein, through conversation, she advised Epstein she was 17 years of age and still in High School. [redacted] said after approximately 10-15 minutes, Epstein asked the girls to take their tops off. [redacted] said she and [redacted] took their tops off exposing their bras. [redacted] said seconds later Epstein asked them to take their bras off, which both did, exposing their bare breasts. [redacted] said after more massage, Epstein asked [redacted] to leave the room, leaving only [redacted] present with Epstein. [redacted] said Epstein asked her to take her pants off, which she did. [redacted] said she was totally nude at this time. [redacted] said Epstein got up from the table and sat on the aforementioned couch. [redacted] said Epstein sat on the towel and masturbated in front of her. [redacted] said Epstein's penis was fully exposed. Epstein told [redacted] to get a vibrator out of a drawer in the bathroom. [redacted] said the blue/gray vibrator was skinny at the handle but had a large ball at the top. [redacted] said the vibrator was more of a sex toy than a massage item. [redacted] said Epstein attempted to use the vibrator on her but she told him she did not want him to touch her. [redacted] said Epstein asked her to talk dirty to him. [redacted] said once Epstein climaxed, he told her the money was next to the sink, and then he jumped into the shower. [redacted] said she put her clothes on and both her and [redacted] left the house. [redacted] said she thinks [redacted] received $200.

[redacted] said she went to Epstein's house with [redacted] on either one or two other occasions. [redacted] said eventually, Epstein's assistant [redacted] would call her to make appointments. [redacted] said [redacted] would call her from different phone numbers but most of the time it was from [redacted] [redacted] showed me her cell phone which had this number in her address book under the name of [redacted]. [redacted] said after her first visit, Epstein started to touch her bare breasts and bare buttocks. Epstein would also use the vibrator on her, specifically on her vagina. The vibrator would be placed on the outside of her vagina. [redacted] said in March of 2004, she believes on her fifth visit to Epstein's home, Epstein penetrated [redacted] vagina using his fingers.

1-06-001078 (Continued)

[redacted] said Epstein did this for approximately one minute until she told him to stop. [redacted] said Epstein did stop and no more penetration took place. [redacted] said Epstein would ask her on occasion if she would have intercourse with him but she always denied his requests. [redacted] said Epstein offered her more money for sex but she repeatedly declined. b6 b7C

[redacted] said Epstein told her she should be a model and he would help her become a model. [redacted] said Epstein told her he could not wait until she turned 18 years of age so he could fly her to Paris, France. [redacted] said she last had contact with Epstein or his assistant [redacted] was in May of 2005.

[redacted] said she told two friends about what she did at Epstein's home. These two friends, [redacted] WF DOB [redacted] and [redacted] WF DOB [redacted], both agreed to meet with Epstein and provide massages. [redacted] said she told both girls that they would have to massage this man and possibly get undressed. [redacted] told both girls they would receive approximately $200 for these massages. [redacted] said she is unaware how many times [redacted] went to Epstein's house. [redacted] advised she did not tell [redacted] or [redacted] she was reporting these actions to the police.

[redacted] had in her possession two tubes of Bath and Body Works lotion she said came from Epstein's home. [redacted] said she did not remember when she got these lotions from Epstein's home but she no longer wanted to posses them. I completed a property receipt which [redacted] signed and placed the lotions into evidence.

[redacted] signed an affidavit stating she wished to prosecute Epstein based on his actions. [redacted] reiterated she told Epstein on numerous occasions she was only 17 years of age when the above took place. This affidavit was placed into the attachment file.

This video tape of the interview was placed into evidence.

********** N A R R A T I V E # 2 **********

NA Reported By: DAWSON, MICHAEL C. 8/04/06
Entered By.: ALTOMARO, NICKIE A. 8/04/06

On July 31, 2006, at approximately 1115 HRS, Detective Silvestri and I met with [redacted] WF DOB [redacted], at her home. [redacted] advised she did meet a man named Jeffrey in 2004 when she believes she was either 16 or 17 years of age. [redacted] said she provided a massage for this man.

[redacted] said sometime in 2004, her friend [redacted] told her she could make $300 for giving a man a massage. [redacted] said approximately two weeks later, she decided to go with [redacted] to this man's house. [redacted] said [redacted] drove her to a large house in the West Palm Beach area. [redacted] said she did not know the exact location of the house but believes the house was near water. [redacted] said it was

1-06-001078 (Continued)

approximately 8:30 PM when they arrived. [redacted] said both she and [redacted] drank beer and used Xanax before they arrived at this house. [redacted] said she was under the influence of the beer and Xanax. [redacted] said upon arrival, they met with a blond woman who was in her 20's. [redacted] described this woman as being the manager of the girls that visit this house. [redacted] said they went into the kitchen and then she and [redacted] were led to a massage room in the house. [redacted] said she saw numerous photos of naked woman and also sculptures of naked woman throughout the house. [redacted] said moments later, a man named Jeffrey entered the room wearing a robe. [redacted] said Jeffrey removed his robe and lay down on the massage table. [redacted] said she and [redacted] massaged Jeffrey for approximately 20 minutes. [redacted] said she massaged Jeffrey's legs using some type of lotion. [redacted] said Jeffrey asked [redacted] to leave the room. [redacted] said Jeffrey asked her to take her shirt off. [redacted] said she removed her shirt exposing her bra. [redacted] said Jeffrey asked her to remove her other clothes but she refused his request. [redacted] said she was wearing a short skirt and underwear along with the bra. [redacted] said Jeffrey began to masturbate in full view of her. [redacted] said she did see Jeffrey's penis. [redacted] said Jeffrey reached under her skirt and rubbed her vagina on top of her panties. [redacted] said she felt uncomfortable and asked Jeffrey to stop, which he did. [redacted] said once Jeffrey was done masturbating, she went downstairs and met with [redacted] said they both received $200 but she could not remember who gave them the money.

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I showed [redacted] a photo lineup containing Jeffrey Epstein. [redacted] positively identified Epstein as the man in picture three.

[redacted] said Jeffrey did not ask her how old she was. [redacted] said she could not remember if she mentioned she was in High School. [redacted] said she knew of other girls who went to Jeffrey's house. [redacted] supplied those names, [redacted] and a girl named [redacted]

[redacted] signed an affidavit stating she wishes to prosecute based on Epstein's activities. [redacted] swore that her above statement was the truth.

This interview was digitally recorded and this recording along with the photo lineup were placed into evidence.

[redacted]

On July 31, 2006, at approximately 1230 HRS, Detective Silvestri and I met with [redacted] WF DOB [redacted] at her home. [redacted] advised she did know a man named Jeffrey Epstein. [redacted] advised she met Epstein when she was in 11th grade, which was in the year 2004. [redacted] believes she was either 16 or 17 years of age.

[redacted] said a fellow student at [redacted] advised her she could make $200 for massaging a man. [redacted] said

1-06-001078 (Continued)

she could not remember the girls name but it started with a [redacted] said this girl [redacted] was in a lower grade then she was. [redacted] said this girl [redacted] picked her up in a cab and the cab took them to Palm Beach. [redacted] said the cab had to go over a bridge and she thought the name of the street was El Rodeo. [redacted] said once at the house, they waited in the kitchen. [redacted] said she saw numerous attractive females walking around the house. [redacted] said one of the females, a blond who was approximately 26 years of age, appeared to work for Epstein. [redacted] said [redacted] took her upstairs and told her to get into her bra and panties. [redacted] said she removed her pants and shirt and was only wearing her bra and panties. [redacted] said she saw a massage table in the bathroom, a couch in the room, a shower off to the side, and lotions. [redacted] said Epstein entered the room wearing sleeping pants. [redacted] said Epstein got on the table and she began giving him a massage. [redacted] said [redacted] left the room. [redacted] said Epstein asked her how old she was and she said she was 16 or 17. [redacted] could not remember exactly how old she was when this occurred. [redacted] said she told him she was in High School. [redacted] said Epstein asked her to take off all of her clothes and she refused. [redacted] said Epstein rolled to his side, started to masturbate in full view of her, and ejaculated in his hand. [redacted] said she saw his penis. [redacted] said she put her clothes back on and went downstairs and eventually left in a cab. [redacted] said she received $200 for that visit.

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[redacted] said approximately two months later, she received a phone call from the blond woman at the house who asked her if she needed a job. [redacted] said she did not want to see Epstein again but was told she could bring a friend. [redacted] said she contacted her friend [redacted] and advised her she could make $200 for massaging a man. [redacted] said [redacted] drove them to Epstein's house. [redacted] said [redacted] meet with Epstein and they both received $200. [redacted] said she has had no more contact with Epstein or Epstein's assistant.

[redacted] advised she knew of other girls that went to Epstein's house. Those girls were [redacted] and [redacted] said the girl she knows as [redacted] brought many girls to Epstein's house besides those mentioned in this interview.

[redacted] said during the course of her conversation with Epstein, he told her she was beautiful and that he wanted her to live with him in Los Angeles.

I showed [redacted] a photo lineup containing Epstein. [redacted] positively identified Epstein from photo three.

[redacted] signed an affidavit stating she wishes to prosecute based on Epstein's activities. [redacted] swore that her above statement was the truth.

This interview was digitally recorded and this recording and the photo

1-06-001078 (Continued)

lineup were placed into evidence.

[redacted] b6 b7C

On July 31, 2006, at approximately 1400 HRS, Detective Silvestre and I met with [redacted] WF DOB [redacted] at the Boynton Beach Mall. [redacted] advised she did have contact with Jeffrey Epstein when she was a sophomore in High School. [redacted] said it was either in 2003 or 2004 and she believes she was 16 years of age when they met.

[redacted] advised back in 2003, she was introduced to Jeffrey Epstein by her friend [redacted] said [redacted] advised her she could make $200 for giving this man a massage. [redacted] said [redacted] told her she might have to get undressed during the massage. [redacted] said [redacted] drove her to a big house in the Town of Palm Beach. [redacted] could not give an exact address or location but said it was near the beach. [redacted] said once at the home, a thin white female with blond hair, approximately 25 years of age, answered the door. [redacted] thinks the woman's name was [redacted] [redacted] said she and [redacted] entered the kitchen and then went upstairs to a bathroom. [redacted] said there was a massage table in the middle of the bathroom. [redacted] said Epstein entered the bathroom wearing a towel around his waist. [redacted] said Epstein took a shower and then lay down on the table fully nude. [redacted] said she and [redacted] started to massage Epstein's legs and chest. [redacted] said Epstein told [redacted] to go on the balcony, which [redacted] did. Epstein asked [redacted] to take her clothes off. [redacted] said she took all her clothes off and she was nude. [redacted] said she continued to massage Epstein at which time Epstein began to masturbate in her full view. [redacted] said she did see Epstein's penis. [redacted] said while he masturbating Epstein did touch her bare breasts. [redacted] said Epstein stopped masturbating but she did not see him ejaculate. [redacted] said Epstein got up from the table and she immediately put her clothes back on. [redacted] said she and [redacted] then went downstairs. [redacted] said she received $200 from [redacted] [redacted] said she believes [redacted] also received $200 from [redacted]

[redacted] said Epstein never asked her how old she was nor did she tell him her age. [redacted] said during small talk with Epstein she did mention she was in school but she never said what level of school she was in. [redacted] said she never returned to Epstein's house nor has either [redacted] or Epstein made attempts to contact her.

I showed [redacted] a photo lineup containing Epstein. [redacted] positively identified Epstein is position three.

[redacted] advised she knew of other girls that went to Epstein's home. These girls are [redacted] advised she has no professional massage training nor does she believe the other girls are trained in massage therapy.

[redacted] signed an affidavit stating she wishes to prosecute based on Epstein's activities. [redacted] swore that her above statement was the truth.

1-06-001078 (Continued)

This interview was taped using a digital recorder. This recording was placed into evidence along with the photo lineup.

Investigation Continues.

* * * * * * * * * * * * * * * * END OF REPORT * * * * * * * * * * * * * * * *

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, CRIMINAL DIVISION
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: Search Warrant, Affidavit and Application for Search Warrant, and Inventory and Return

DATED AND SIGNED: 10-19-05

AFFIANTS: Det. Joseph Recarey Palm Beach Police

ORDER SEALING AFFIDAVIT AND APPLICATION FOR SEARCH WARRANT AND RELATED SEARCH WARRANT AND INVENTORY AND RETURN

THIS CAUSE having come before the Court and the Court having been appraised,

IT IS HEREBY ORDERED pursuant to Florida Statues Chapter 119.07(3)(b) that the Affidavit and Application for Search Warrant signed by Investigator Joseph Recarey as affiant dated and related Search Warrant dated October 18, 2005 hereby **sealed** until further order of the Court.

The Clerk of Court, Criminal Division is hereby ordered to seal said Search Warrant and Affidavit and Application for Search Warrant until further order of the Court.

It is further

ORDERED that the Inventory and Return for Said Search Warrant shall be **sealed** when filed with the Clerk of Court until further order of the Court.

DONE AND ORDERED this 19th day of October at West Palm Beach, Palm Beach County, Florida.

Laura Johnson
Circuit Court Judge

xc: Daliah Weiss, Assistant State Attorney

(COPY)

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 12/05/2006

To: Miami **Attn:** SSA [redacted]

From: Miami
Squad PB-2, PBCRA
Contact: SA [redacted]

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b7C

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062

Title: CHANGED
JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To request assignment of co-case agent and submit documents to case file.

Previous Title: Title marked "Changed" to reflect additional subjects and the removal of [redacted] from case title.

Title previously carried as "JEFFREY EPSTEIN; [redacted] WSTA - CHILD PROSTITUTION."

Details: It is requested that SA [redacted] be assigned as co-case agent to the above captioned case.

The documents attached to this electronic communication are for submission to the main case file. Included in the attachment are the Palm Beach Police Department's Incident Reports and Property Receipts.

♦♦

31E-MM-108062-38
339[redacted]01.ec

31E-MM-108062

[redacted]

1

Pursuant to a federal investigation regarding the sexual exploitation of minors, [redacted] of JEFFREY EPSTEIN, was interviewed by the FBI. [redacted] identifying information is recorded below:

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Name:
Race:
Sex:
DOB:
Home Address:

Telephone:
Cellular Telephone:

Husband's Name:
Cellular Telephone:

[redacted]

31E-MM-108062-42

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 11/13/2006

To: New York **Attn:** SSA [redacted]
Squad 20

Newark SSA [redacted]
RBRA-2

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From: Miami
PB2/PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To request travel reference captioned case.

Administrative: Reference telcall between SA [redacted] and SSA [redacted] and SSA [redacted] on 12/07/2006.

Details: On 07/24/2006 the Federal Bureau of Investigation (FBI), Palm Beach County Resident Agency (PBCRA), opened an investigation involving multi-millionaire Jeffrey Epstein and captioned subjects. The investigation involves [redacted]

FBI Miami, PBCRA, request travel concurrence with FBI New York and Newark for the purpose of interviewing pertinent witnesses. SA's [redacted] and AUSA [redacted] will travel on 12/14/2006 and anticipate interviewing witnesses from 12/14/2006 - 12/17/2006. It is anticipated that SA's [redacted] and AUSA [redacted] will return to West Palm, FL on 12/17/2006.

229[redacted]01.EC

31E-MM-108062-45

LEAD(s):

Set Lead 1: (Info)

NEW YORK

AT NEW YORK, NEW YORK

FBI Miami request travel concurrence from FBI New York to conduct witness interviews.

Set Lead 2: (Info)

NEWARK

AT REDBANK, NEW JERSEY

FBI Miami request travel concurrence from FBI Newark to conduct witness interviews.

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HOUSE_OVERSIGHT_019054

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/04/2006

[redacted], date of birth [redacted], Social Security Account Number (SSAN) [redacted], home telephone number [redacted], cellular telephone number [redacted] residing at [redacted] Florida, was interviewed at the Federal Bureau of Investigation (FBI), Palm Beach County Resident Agency (PBCRA), located at 505 South Flagler, West Palm Beach, Florida. After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following information:

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[redacted] He is currently employed by Jeffrey Epstein, NES LLC, as [redacted] was hired by Epstein in [redacted]. Prior to being [redacted] was a [redacted] for Epstein and [redacted] was [redacted] has been employed as [redacted] for approximately two years. He replaced [redacted] as [redacted] because, Epstein preferred [redacted] communication skills and flying techniques. Prior to his employment with Epstein, [redacted] worked as a [redacted] located in [redacted] was based next door to the Limited Corporation, owned by [redacted] Epstein's good friend.

[redacted] stated that Epstein's primary residence is located in the U.S. Virgin Islands (U.S.V.I.) and utilizes his ranch in New Mexico as a vacation retreat, four or five times a year. Epstein has not been to his Palm Beach residence since some time in 2005, due to the damage of the residence after hurricane Wilma. On a regular basis, Epstein travels to his New York office/residence, Monday through Wednesday. When traveling to the USVI, the pilots stay at the Marriot, Frenchmans Reef or Holiday Inn Express in St. Thomas. After arriving in the U.S.V.I., Epstein travels to his island by helicopter or boat. On occasion, [redacted] will fly the helicopter, tail number N491GM, or he utilizes pilots from Air Center Helicopters. [redacted] telephone number [redacted] is Epstein's boat captain for the U.S.V.I.. While in New York, the pilots stay in corporate apartments.

[redacted] advised that Epstein does not allow any liquor, drinking nor smoking on any of his aircrafts. [redacted] has never seen any woman and/or girls under the age of twenty on Epstein's aircraft. He has never observed any inappropriate behavior or

Investigation on 11/27/2006 at West Palm Beach, Florida

File # 31E-MM-108062 Date dictated

by SA [redacted]

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31E-MM-108062-49

anything of a sexual nature by Epstein. As a practical joke, Epstein asked [redacted] to purchase a box of condoms to place on [redacted] seat after he found out [redacted] girlfriend was pregnant. The primary item that Epstein request to be on his aircraft is Evian water. [redacted] has never seen Epstein with a girlfriend or known him to be romantically involved with anyone. b6 b7C

The flight arrangements were usually set up by [redacted] who would call [redacted] and provide flight dates, times and travel location. On occasion, [redacted] would get a call directly from Epstein or [redacted] Prior to the departure of every flight, the captain of the flight filled out the flight manifest log and aircraft log. The individual flight captain is usually rotated between pilots. The manifests are faxed to [redacted] in the New York office every two to three weeks. The aircraft logs are turned in on an annual basis. [redacted], which were requested in the issued grand jury subpoena. b3 b6 b7C

[redacted] described Epstein as having obtained his wealth from managing money. Epstein has a successful business relationship with [redacted] defined [redacted] as Epstein's best friend.

In addition to [redacted] flight duties, he provided Epstein with advice on home entertainment centers and vehicles. [redacted] installed a home theater system in Epstein's Palm Beach residence and his ranch in New Mexico. The palm beach residence has rooms identified by individual color. [redacted] recalled the green room, blue room and pink room. In addition, in Palm Beach, Epstein currently owns a black Chevrolet Suburban, three black Mercedes Benz, a turquoise Harley Davidson, and a 1972-chopper motorcycle. b6 b7C

[redacted] has heard that Epstein is provided two massages a day. When asked whom [redacted] heard that from, he responded by stating it is just rumored that he gets two a day. He further described Epstein as having back problems and on occasion utilizes heating pads. When at the ranch in New Mexico, Epstein is provided massages by both male and females. [redacted] LNU, ranch manager, arranges masseuses from "Ten Thousand Waves" salon in Santa Fe, to provide massages to Epstein and [redacted]

[redacted] received a $[redacted] Christmas bonus this year and a [redacted] bonus last year. [redacted] stated he received the

monies in cash and later clarified the bonuses came by company check. [redacted] stated he had only had two disagreements with Epstein and both were over maintenance for the aircrafts.

[redacted] provided Epstein's cellular telephone, (646) 541-1751, and email, JEEPROJECT@Yahoo.com.

The below list of current and past employees were provided by [redacted] b6 b7C

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY **Date:** 12/06/2006

To: Albuquerque Santa Fe RA

[redacted] [redacted]

San Juan St. Thomas RA

[redacted]

From: Miami
Squad PB-2, PBCRA
Contact: SA [redacted]

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b7C

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To set leads for captioned investigation.

Details: On 07/24/2006 the Federal Bureau of Investigation (FBI), Palm Beach County Resident Agency (PBCRA), began investigating Jeffrey Epstein, a part-time resident of Palm Beach, along with [redacted]. PBCRA obtained information from the City of Palm Beach Police Department (PBPD) [redacted]

340[redacted]01.EC 31E-MM-108062-49

[redacted]

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In addition to the home in Palm Beach, Epstein also maintains a residence in the U.S. Virgin Islands, New York and New Mexico.

To date, the PBCRA continues to develop witnesses and victims from across the United States. Due to the media coverage, unknown status of the state investigation, vulnerability of the young female victims, and political influences, the AUSAs and Case Agents have a target date of January 2007 for indictment.

Based on the ongoing criminal investigation, the PBCRA is requesting the assistance in establishing Epstein's criminal activity utilizing interstate commerce and the travel in interstate commerce to engage in illicit sexual conduct and prostitution. Prior to conducting captioned leads, it is requested that the lead agent(s) contact SA [redacted] FBI Miami, West Palm RA, [redacted] or SA [redacted] for investigative direction and questions.

HOUSE_OVERSIGHT_019060

LEAD(s):

Set Lead 1: (Action)

ALBUQUERQUE

AT SANTA FE , NM

Interview [redacted] Jeffrey Epstein's, Zorro Ranch, 49 Zorro Ranch Road, Stanley, New Mexico.

Set Lead 2: (Action)

SAN JUAN

AT ST. THOMAS, U.S.V.I.

Interview [redacted], cellular telephone number of [redacted], residence telephone number [redacted] Jeffrey Epstein located on the island of Little St. James. [redacted]. b6 b7C

Set Lead 3: (Action)

SAN JUAN

AT ST. THOMAS, U.S.V.I.

Locate and Interview [redacted] telephone number [redacted]. This is the only information FBI Miami currently has on [redacted].

Set Lead 4: (Discretionary)

[redacted]

Interview [redacted] Florida.

Set Lead 5: (Action)

HOUSE_OVERSIGHT_019061

[redacted]

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Interview [redacted]
Florida.

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HOUSE_OVERSIGHT_019062

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 12/20/2006

To: Miami

From: Miami
FIG-5
Contact: Ia [redacted]

Approved By: [redacted]

Drafted By: [redacted]

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b7C

Case ID #: 31E-MM-108062 (Pending)
800A-MM-C102437-AS34 (Pending)

Title: CREATION OF i2 ANALYST NOTEBOOK CHARTS

Synopsis: To document assistance provided to Intelligence Analyst (IA) [redacted] in the creation of i2 Analyst Notebook Charts.

Details: Intelligence Assistant (Ia) [redacted] provided assistance in the creation of i2 Analyst Notebook Charts for the above-mentioned case. The charts were produced according to the specifications of Special Agent [redacted] and did not require any research or analysis on the part of Ia [redacted]. The charts depicted the arrival and departure dates of the target and included the phone calls that were made the day prior to his arrival, during his stay and the day after his departure. Ia [redacted] created a total of 16 charts. The charts ranged in date from 02/10/2005 through 10/06/2005.

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31E-MM-108062-50

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/22/2006

[redacted] was interviewed at her residence in West Palm Beach, Florida regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following information:

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[redacted] was employed as the [redacted] for JEFFREY EPSTEIN's residence on the island of Palm Beach, Florida. She began working for EPSTEIN approximately [redacted] stated [redacted] (believed by [redacted] to be EPSTEIN's girlfriend at the time) was the person who hired her. It was through [redacted] and her association with [redacted] and EPSTEIN that [redacted] came to be employed at the EPSTEIN residence. According to [redacted] it was while [redacted] was working at one of the salons on Palm Beach she met both [redacted] and EPSTEIN. [redacted] stated that [redacted] provided massages to EPSTEIN.

While employed at the EPSTEIN residence, [redacted] primary responsibilities were to have the house ready for the arrival of either EPSTEIN or [redacted] and their guests. [redacted] ensured the house was stocked with food, beverages, and fresh flowers. [redacted] would also help in the arrangement of transportation to and from the airport.

[redacted] stated that there was a high rate of turnover among the staff employed at the EPSTEIN residence because EPSTEIN, [redacted], and others were not very nice to the hired help. [redacted] stated EPSTEIN was nice in the beginning but became "mean." [redacted] believed [redacted].

[redacted] was never at the residence when EPSTEIN was having a massage. [redacted] stated she had taken many messages from girls who wanted to work for EPSTEIN. The girls would want to know when EPSTEIN was coming to town and they would want her to take a message, so EPSTEIN could return their call. [redacted] would leave the messages on the counter so that when EPSTEIN would arrive in from out of town he could review them. One Christmas, [redacted] was asked to call 5 or 6 of EPSTEIN's "massage girls" and relay to them that they could stop to pick up their Christmas gift. Although not

Investigation on 08/17/2006 at West Palm Beach, Florida

File # 31E/MM-108062 Date dictated 08/17/2006

by SA [redacted]

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31E-MM-108062 51

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b7C

positive, [redacted] believed she was asked to do this task around Christmas 2004.

[redacted] told the interviewing agent of an incident that occurred at the EPSTEIN's residence either late summer or early fall. [redacted] was unsure of the year but knew it must have been in 2003, 2004 or 2005. The cleaning crew, [redacted], were working at the time of the incident as well. A unidentified female(UF), who looked under the age of eighteen, entered the residence demanding money. She had arrived at the residence in a taxi cab. [redacted] described her as trashy and desperate. [redacted] told the UF she was unaware of any money that had been left for the UF, but that she would call the New York Office. The UF stated that she thought EPSTEIN was going to be at the residence today. [redacted] contacted the New York Office and they instructed [redacted] to pay the UF. The New York Office stated that [redacted] could find $200.00 in EPSTEIN's desk draw and she was to use that to pay the UF. Once the UF received the money she departed the residence. [redacted] stated to the interviewing agents, that at one point she told the UF she was going to call the police if the UF did not leave, but the UF responded that she would call the police if she did not get her money.

[redacted] believed that EPSTEIN was trying to help girls make it big in the modeling industry. [redacted] told [redacted] that EPSTEIN would give money to girls to help them go to college or get them started in modeling. [redacted] stated that she may have been naive but she thought he was trying to help these girls. [redacted] stated that she knew EPSTEIN liked women and that women would visit the residence even when [redacted] was not there. [redacted] believed there were naked photographs of women throughout the residence.

[redacted] provided [redacted] contact information as the following: [redacted], Florida, telephone number [redacted] and cellular telephone number [redacted] According to [redacted] the [redacted] phone numbers are cellular telephone number [redacted]

[redacted] also provided to the interviewing agents a copy of some of the hours she worked at EPSTEIN's residence as well as some notes made by [redacted] at her time of employment with EPSTEIN. Those documents have been placed in a FD-340, a 1-A envelope, and are maintained with the case file.

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/13/2006

Pursuant to a federal investigation regarding the sexual exploitation of minors, [redacted], was interviewed by the Federal Bureau of Investigation (FBI). After being advised of the identity of the interviewing agents and purpose of the interview, [redacted] voluntarily provided the following information: b6 b7C

[redacted] was formerly employed as [redacted] in New York, New York. He was also formerly employed as [redacted] by Jeffrey Epstein. [redacted] was seeking employment and obtained the opportunity for employment with Epstein from a headhunter. [redacted] pre-employment interview for the position was conducted by Epstein and [redacted] approximately three years ago. [redacted] was employed by Epstein for approximately one year and five months before he sought employment elsewhere. [redacted] signed a confidentiality clause at the termination of his employment with Epstein.

[redacted] worked at Epstein's New York residence and was on stand-by to travel at request. He prepared meals for Epstein's guests more frequently than he prepared meals for Epstein. Epstein's favorite food item was a toasted peanut butter and jelly sandwich. [redacted] was responsible for keeping food available on the various properties where Epstein traveled. One item that [redacted] was required to have available at all times was Eli's seven grain bread purchased from 63rd or 65th Street in New York. [redacted] used Epstein's vehicles, including a Mercedes Benz and a Chevrolet Suburban, to obtain food as needed for preparation at Epstein's Palm Beach, Florida residence. Epstein provided [redacted] with a residence located at [redacted] New York, New York, as a component of [redacted] salary.

[redacted] traveled frequently with Epstein to his properties in Palm Beach, Florida, the U.S. Virgin Islands (USVI), New Mexico and New York. [redacted] also traveled to Paris, France with Epstein. Epstein owned a Gulfstream aircraft and a larger Boeing 727 aircraft. The Boeing 727 had a kitchen onboard that [redacted] used to prepare food for Epstein and his guests. During [redacted] travels, the most notable guests to travel on Epstein's aircraft were [redacted]. Epstein instructed [redacted] to refrain from socializing with any guests on the aircraft.

Investigation on 12/13/2006 at West Palm Beach, Florida

File # 31E-MM-108062 n Date dictated 12/13/2006

by SA [redacted]

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31E-MM-108062-52

b6
b7C

Young females frequently traveled on the two private aircraft with Epstein. [redacted] believed most of the females were from Spain or Russia and were 18 years of age or older, although some of their ages were questionable. Several of the females lived in the apartment building located at [redacted] New York, New York. [redacted] believed the females traveled with Epstein so they could be associated with a person of wealth. The majority of the females were aspiring models who met Epstein through [redacted] and his modeling agency. Epstein was controlling toward the females and would not allow them to associate with other individuals. [redacted] described the women as "not very bright" referring to their intelligence.

[redacted] believed [redacted] was a personal assistant to [redacted] and Epstein. [redacted] described [redacted] as an attractive, nice girl in her 20's. [redacted] was responsible for preparing Epstein's travel arrangements.

[redacted] Last Name Unknown (LNU) was another individual who worked as an assistant to [redacted] believed [redacted] and Epstein's relationship was nothing more than friendship. [redacted] believed Epstein had feelings for [redacted] but they frequently did not get along. [redacted] provided [redacted] contact information stored in his cellular telephone: email [redacted] work telephone [redacted] home telephone [redacted] mobile telephone [redacted] and PIN [redacted] was unaware of what the PIN represented.

One unknown male, 20's in age, frequently brought local teenaged females to Epstein's residence in Palm Beach, Florida. [redacted] believed the unknown male drove a red Honda Accord. [redacted] estimated that approximately four or five teenaged females would visit Epstein's Palm Beach residence daily. Sometimes the females at the residence would go upstairs with Epstein and sometimes they would gather and talk in the living room area.

[redacted] was aware that Epstein received massages every day. In addition to massages provided by massage therapists (masseuses), local teenaged females also gave Epstein massages. [redacted] explained that it was easy to distinguish between the masseuses and the local teenaged females based on their appearance and demeanor. [redacted] was unaware of what occurred between the teenaged females and Epstein behind closed doors, but opined that Epstein was receiving more than just massages based on the number of teenaged females that were going upstairs with him. [redacted] did

not know of the local teens to ever stay at Epstein's Palm Beach residence overnight. [redacted] did not have conversations with the teenaged females beyond being polite and asking if they needed anything. [redacted] did not engage in relationships with the females associated with Epstein.

[redacted] reviewed a series of images and was asked if he recognized the individuals depicted. He recognized [redacted] an assistant to Epstein who is married to a man in Miami, Florida. He also recognized [redacted] believed to be Epstein's girlfriend.

[redacted] a barbeque restaurant in New York City was employed as a chef for Epstein prior to [redacted] was a former line cook at [redacted], New York, New York. [redacted] was aware that Epstein had other chefs before and after his employment but he was unable to recall their names.

[redacted] Epstein's St. Thomas, USVI property. Epstein travels to St. Thomas on his private aircraft and then takes a helicopter to his property. He also owns a four-engine speed boat he purchased at auction. The boat is used as a pleasure craft and is also used as a shuttle for Epstein's staff.

[redacted] Epstein's New York residence. [redacted] may reside in the [redacted] Street apartment building.

[redacted] at Epstein's New York residence. On one occasion, [redacted] gave [redacted] a tour of Epstein's New York residence which [redacted] believed was a former high school.

[redacted] Epstein's New Mexico ranch located near Santa Fe. [redacted] recalled a Russian man named [redacted] (phonetic) LNU who worked at Epstein's Palm Beach residence. Epstein also had a cleaning crew for the Palm Beach residence but [redacted] was unaware of the crew member's names.

[redacted] heard stories of girls who attempted to steal items from Epstein's residence and were sent home and not allowed to return. [redacted] did not observe or hear any disturbances during his employment for Epstein.

31E-MM-108062

[redacted]

1

Pursuant to a federal investigation regarding the sexual exploitation of minors, [redacted] was interviewed by the FBI. [redacted] identifying information is recorded below:

b6
b7C

Name:
Race:
Sex:
DOB
Home Address:

Cellular Telephone:
Employment:

[redacted]

31E - MM - 108062 - 53

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 06/21/07 Time: 13:39

Case ID: 31E-MM-108062 Serial: 54

Description of Document:

Type : FD909
Date : 01/04/07
To : [redacted]
From : MIAMI
Topic: [redacted]

b3

Reason for Permanent Charge-Out:

transfer to subpoena sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 57

Employee: [redacted]

b6
b7C

31E-MM-108062 54

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 06/21/07 Time: 13:41

Case ID: 31E-MM-108062 Serial: 55

Description of Document:

Type : FD909
Date : 01/15/07
To : [redacted] b3
From : MIAMI
Topic: [redacted]

Reason for Permanent Charge-Out:

transfer to subpoena sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 58

Employee: [redacted] b6 b7C

31E- MM-108062-55

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 06/21/07 Time: 13:44

Case ID: 31E-MM-108062 Serial: 56

Description of Document:

Type : FD909
Date : 01/15/07
To : [redacted]
From : MIAMI
Topic: [redacted] b3

Reason for Permanent Charge-Out:

transfer to subpoena sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 59

Employee: [redacted] b6 b7C

31E-MM-108062-56

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 01/25/2007

To: Miami **Attn:** Third Party Draft

From: Miami
Squad PB-2
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

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b7C

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To request funds for expenses associated to the above captioned case.

Enclosure(s): Enclosed for Miami Third Party Draft: [redacted]

Details: SA [redacted] requests Third Party Draft provide [redacted]. Prior authorization was obtained from ASAC [redacted].

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b7C

SA [redacted] requests Third Party Draft provide [redacted]

31E-MM-108062-57

LEAD(s):

Set Lead 1: (Info)

MIAMI

AT MIAMI

Third Party Draft shall [redacted] b3
to pay expenses associated with the captioned case.

♦♦

HOUSE_OVERSIGHT_019074

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/18/2006

[redacted] dob [redacted] residing at [redacted] Florida, telephone number(s) [redacted] and [redacted] (cellular), was interviewed at the FEDERAL BUREAU OF INVESTIGATION, PALM BEACH COUNTY RESIDENT AGENCY's Office, West Palm Beach, Florida. Also present at the interview was [redacted] attorney, [redacted] of LYONS AND SANDERS, 600 Northeast 3rd Avenue, Ft. Lauderdale, Florida 33304, telephone number(s) [redacted] and [redacted] (cellular). After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following information:

[redacted] has been employed as a pilot for [redacted] since [redacted]. His current salary is [redacted] plus benefits. Prior to his employment with EPSTEIN, [redacted] sold aircraft for GLIMCHER, a company located near THE LIMITED Flight Department. [redacted] was employed there from [redacted]. According to [redacted] EPSTEIN has two other full time pilots, [redacted] EPSTEIN also has a full time flight engineer, [redacted] On occasion, in 2004 and 2005, a contracted pilot, [redacted] was required to assist with flying EPSTEIN to different locations.

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b7C

[redacted] was the [redacted] for EPSTEIN until [redacted] took over the responsibilities of [redacted] after a continual disagreement between EPSTEIN and [redacted] on landing techniques. This was a demotion and a decrease in pay for [redacted] stated that EPSTEIN was unhappy with the method in which [redacted] landed the aircraft when arriving at Palm Beach International Airport.

[redacted] provided the interviewing agents, via a Grand Jury Subpoena, [redacted]

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b7C

Investigation on 08/15/2006 at West Palm Beach, Florida

File # 31E-MM-108062 Date dictated 08/15/2006

by SA [redacted]

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31E-MM-108062-50

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would pilot either aircraft without EPSTEIN being a passenger on the planes.

The Boeing 727, tail number N908JE, is owned by a subsidiary company of EPSTEIN, JEGE, INCORPORATED, and can fly up to 26 passengers. The Gulfstream, tail number N909JE, is owned and operated by another of EPSTEIN's subsidiary companies, HYPERION AIR, INCORPORATED, and can fly up to 12 passengers. [redacted] believes EPSTEIN has separate entities for each plane for liability reasons. [redacted] stated that EPSTEIN also owned a six passenger Helicopter, Bel 407, tail number 491GM.

[redacted] stated that he would usually receive notification from [redacted] or from EPSTEIN's office when flight arrangements were being made. Lead time for a trip most commonly was between eight to twenty-four hours. [redacted] EPSTEIN's personal assistant, was responsible for coordinating travel arrangements for EPSTEIN. [redacted] believed that [redacted] took over primary duties as EPSTEIN's personal assistant from [redacted] in late 2001. [redacted] would handle setting up the staff for EPSTEIN's visits to his multi residences as well as transportation needs to and from the airports.

[redacted] advised that he had never witnessed any underage females aboard the aircrafts. However [redacted] did state that there had been to many to count when it came to females ranging in age from 21 to 23. [redacted] also said that he had never observed any sex toys aboard either of EPSTEIN's aircraft.

When the interviewing agents asked [redacted] for specific telephone numbers for several individuals, [redacted] provided the information from a personal digital assistant(PDA). The below list of individuals, primarily, current and past employees of EPSTEIN, were provided by [redacted]

JEFFREY EPSTEIN - New York Residence, telephone number (212)772-9416; London residence, telephone number 0044767785771552; cellular telephone number (917)601-4143; Columbus, Ohio residence telephone numbers (614)371-4444 and (614)371-1213; Cambridge, Massachusetts (617)496-4667

[redacted]

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/01/2006

[redacted] date of birth [redacted], place of birth [redacted], residing at [redacted] Florida [redacted] home telephone number [redacted] cellular telephone numbers [redacted] was interviewed at the FEDERAL BUREAU OF INVESTIGATION (FBI) PALM BEACH COUNTY RESIDENT AGENCY (PBCRA), located at 505 S. Flagler Drive, West Palm Beach, Florida. Also present at the interview was Attorney [redacted] of LYONS AND SANDERS, 600 Northeast 3rd Avenue, Ft. Lauderdale, Florida 33304, telephone number(s) [redacted] and [redacted] (cellular) and Attorney [redacted] of ATTERBURY GOLDBERGER & WEISS, P.A., 250 Australian Avenue, #1400, West Palm Beach, Florida 33401, telephone number [redacted]. After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following information:

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[redacted] is currently a full time pilot employed by JEFFREY EPSTEIN as [redacted] for EPSTEIN's airplanes. [redacted] has been employed by EPSTEIN since [redacted]. Prior employment included piloting as [redacted] for The Limited Brands, specifically [redacted]. He began working for [redacted] and remained there until the [redacted] was offered an opportunity to advance and took a piloting job, flying executives for the Venetian Hotels, Las Vegas, Nevada. Due to difficulties with the Chairman of the Board, [redacted]. Through [redacted] association with [redacted] EPSTEIN's [redacted] contact with EPSTEIN while working for [redacted] was offered his current employment. [redacted] stated that while piloting for [redacted] he had not seen any young females passengers.

[redacted] stated his current salary is $[redacted]. [redacted] was paid a Christmas bonus of [redacted] gross income. [redacted] stated that EPSTEIN has three full time captains with one being the chief captain, [redacted] stated that in his position he would be "on call." [redacted] continued explaining that [redacted] would contact him providing short notice, usually a days notice, when EPSTEIN would need him to pilot an aircraft.

When piloting an aircraft for EPSTEIN, [redacted] or the co-pilot would always complete two forms. The first form, required by the FAA, was a maintenance log, which would record the date of

Investigation on 11/27/2006 at West Palm Beach, Florida

File # 31E-MM-108062 Date dictated 12/01/2006

by [redacted]

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31E-MM-108062-59

flight, as well as; air time for the aircraft. The other form was a flight manifest which, among other items, listed number of passengers, in some cases identity of passengers, departure and arrival destinations as well as date and time of flight. The flight manifest is not required by law; however, both forms are completed by the designated captain of the flight. These responsibilities are rotated amongst the pilots. The forms are sent to the office on a monthly basis.

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[redacted] has never observed underage girls (under twenty) as passengers on EPSTEIN's airplanes. [redacted] did state that once or twice children accompanied by adults were passengers on the airplanes.

[redacted] stated that he has strictly a business relationship with EPSTEIN. [redacted] believed that EPSTEIN is a financial money manager. [redacted] has never socially been to any of EPSTEIN's residences. [redacted] interviewed for his current job at EPSTEIN's Palm Beach residence.

[redacted] provided, EPSTEIN's [redacted] cellular telephone number as [redacted]

[redacted] provided the following address as a past residence:

[redacted]

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 02/06/07 Time: 14:34

Case ID: 31E-MM-108062 Serial: 63

Description of Document:

Type : OTHER
Date : 01/23/07
To : [redacted]
From : US DISR COURT
Topic: EXECUTIVE FGJ SUBPOENA FOR [redacted]

b3

Reason for Permanent Charge-Out:

transfer to the sub sbp

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 3

Employee: [redacted]

b6
b7C

31E-MM-108062-63

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 02/06/07 Time: 14:35

Case ID: 31E-MM-108062 Serial: 64

Description of Document:

Type : INLET
Date : 01/24/07
To : [redacted] b3
From : US ATTORNEY
Topic: FGJ SUBPOENA FOR [redacted]

Reason for Permanent Charge-Out:

transfer to sub sbp

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 4

Employee: [redacted] b6 b7C

31E-MM-108062-64

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 02/06/07 Time: 14:36

Case ID: 31E-MM-108062 Serial: 65

Description of Document:

Type : OTHER
Date : 01/23/07
To : [redacted] b3
From : US DIST COURT
Topic: EXECUTIVE FGJ SUBPOENA FOR [redacted]

Reason for Permanent Charge-Out:

transfer to sbp sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 5

Employee: [redacted] b6 b7C

31E-MM-108062-65

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 02/06/07 Time: 14:37

Case ID: 31E-MM-108062 Serial: 66

Description of Document:

Type : INLET
Date : 01/24/07
To : [redacted] b3
From : US ATTORNEY
Topic: RE: FGJ SUBPOENA SERVED ON [redacted]

Reason for Permanent Charge-Out:

transfer to sbp sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 6

Employee: [redacted] b6 b7C

31E-MM-108062-66

EC902157

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 02/15/2007

To: Miami **Attn:** Palm Beach County RA
SA [redacted]

From: Albuquerque
Squad 13/ Santa Fe RA
Contact: SA [redacted]

b6
b7C

Approved By: [redacted]

Drafted By: [redacted] -67

Case ID #: 31E-MM-108062 (Pending)

Title: JEFFREY EPSTEIN; [redacted]
WSTA-CHILD PROSTITUTION

X [redacted]

Synopsis: To report results of covered lead.

Enclosure(s): Enclosed are the original and one copy of FD-302 interview of [redacted] and agent's original notes.

Details: An interview of [redacted] was conducted on 02/08/2007 at 49 Zorro Ranch Road, Stanley, New Mexico. Results of the interview are contained in the enclosed FD-302.

Pending further direction from Miami, Santa Fe RA considers this lead covered.

31E-MM-108062-67

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/13/2007

[redacted] date of birth [redacted] Social Security Account Number [redacted] [redacted], New Mexico was interviewed at [redacted] ZORRO RANCH, Stanley, New Mexico. After being advised of the identity of the interviewing agents, and the nature of the interview, [redacted] provided the following information:

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b7C

[redacted] JEFFREY EPSTEIN for approximately [redacted] years. There are 5 to 6 full-time staff at the ranch as well as some seasonal employees. EPSTEIN spends approximately fifty(50) days a year at the ranch during his down time, mostly in the summer. In the summer, EPSTEIN generally spends 2 to 3 weeks at a time at the ranch and is shuttled around by helicopter. The last time EPSTEIN was at the ranch was Thanksgiving 2006. EPSTEIN normally flies into either Albuquerque or Santa Fe and is driven to the ranch. Very little notice is given before EPSTEIN flies to the ranch, usually 24 to 48 hours. EPSTEIN usually brings his personal assistant, [redacted] his bodyguard, friends, personal trainer, and sometimes his masseuses.

The masseuses are not normally flown to the ranch, but are hired by [redacted] keeps the financial records and usually arranges the massages. The names of the masseuses are obtained from TEN THOUSAND WAVES DAY SPA or by referrals. [redacted] said that the masseuses are all checked out and that they are professionals who are licensed massage therapists. There have been approximately 5 different therapists used in the past.

[redacted] said [redacted] could provide the names of the therapists used, and the amounts paid to them, but that we needed to go to the office to meet with her. Upon arriving at the office and greeting [redacted] received a phone call from the "main office" that told him they were no longer allowed to speak with us. The interview was immediately ended.

Investigation on 02/08/2007 at Stanley, New Mexico

File # 31E-MM-108062 - 70 Date dictated 02/13/2007

by SA [redacted]

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31E-MM-108062-70

A records check of [redacted] provided the following information: b6 b7C

Race:
Sex:
Date of birth:
Social Security Number:

[redacted]

[Please insert on your letterhead]

[Please insert the date here]

US DHS CIS
Vermont Service Center
30 Houghton Street
St. Albans, VT 05478

Re: Ms. [redacted] Immigration Application

Dear Sir or Madam:

I am writing this letter on behalf of Ms. [redacted] and in connection with her O-1 Visa Application.

My name is David Blaine and I am a magician, an illusionist and an endurance artist. I am known for my high-profile feats of endurance, and have made my name as a performer of street and close-up magic. I have performed all over the world and have set and broken several world records, including holding my breath for more than 17 minutes, spending 35 hours atop a 105-foot pole and surviving a week buried in a coffin. I have traveled internationally performing magic privately for President Bill Clinton and Secretary of State Hillary Clinton, President George W. Bush, Secretary of Defense Donald Rumsfeld at the Pentagon, Governor Arnold Schwarzenegger, Henry Kissinger, Bill Gates and Mayor Michael Bloomberg. I have also performed magic for the President of Russia Dmitry Medvedev, the President of Georgia Mikheil Saakashvili, the President of Ukraine Victor Yanukovych, and the President of Kazakhstan Nursultan Nazarbayev.

I met [redacted] a few years ago through mutual friends and I was highly impressed with her: I first met her as an amazing fashion model, but, then, I discovered her intelligence, education, and her passion for children and education. So, when I saw the other side of Svet, performing her own brand of magic in fundraisers and other high end charitable events and organizations, I realized what an amazingly talented public relations and fundraising expert she is, and I was not surprised the least.

When it comes to organizing events, finding A-list funders for her causes, in my opinion, [redacted] is at the top of her game and is a true magician—the success stories she pulled for the children on the US Virgin Islands, the Ivory Coast, and many others are true miracles. She really makes a difference in the lives of the world's children.

It is not easy to raise money for education, especially technical/ STEM education: People only reach into their pockets with the correct enticement.

And not everyone is inclined to support the same causes. A fundraiser and public relations expert of extraordinary ability recognizes this—can find, target, and approach the correct people for their cause, and then recruit them with the correct individual enticements. Repeating myself, this is a very difficult thing to pull off. [redacted] was able to pull this off amazingly, not only with great efficiency and success, but with also great ease and grace; and she is on a roll—and it doesn't look like she will stop anytime soon.

These are my qualified opinions: I am no stranger to raising money for children. Every year, I travel all across the country and the world to perform magic for children's hospital wards, burn units and juvenile wards, including Spofford, Bridges, Horizon, and Crossroads. I spent time performing magic for Paul Newman and the children diagnosed with serious illnesses at the Hole in the Wall Gang Camp, among many other charitable activities.

I've been discussing with [redacted] how we can work together in raising money for children and education. Therefore, I wholeheartedly support her visa application. If her visa application is approved, I don't see why we wouldn't combine our unique forms of magic and help the world's children!

Please feel free to contact me if you have any further questions or concerns.

Best Regards,

David Blaine

Are Rape Jokes Funny?

Abortion was still illegal in 1970. At the time, as both an underground abortion referral service and a stand-up satirist, I faced an undefined paradox. I wouldn't allow victims to become the target of my humor, yet there was one particular routine I did that called for a "rape-in" of legislators' wives in order to impregnate them so that they would then convince their husbands to decriminalize abortion.

When abortion was against the law, I thought it would never be legalized in my lifetime. But then, after *Roe vs Wade*, I thought abortion would never be *illegal* again. So now, in 2012, it's been disheartening to see the right-wing religious conservative movement that supposedly wants to keep government out of our lives, while simultaneously promulgating compulsory transvaginal ultrasound probes, in the process of trying to *re*-criminalize reproduction rights in my lifetime.

Things seem to be going backward. The Dinosaur Follies--better known as the Republican presidential primaries—were bizarre and surrealistic. Most despicable was the way they all pandered to their fanatical anti-choice constituents. My unofficial Campaign Pandering

Award went to the Champiom of Anti-Choice, Mitt Romney. He wanted to destroy Planned Parenthood and to overturn *Roe vs. Wade*.

But, returning to my rape-in concept, feminist friends objected. I resisted at first, because it was such a well-intentioned joke. And then I reconsidered. Even in a joke, why should women be assaulted because men made the laws? Legislators' wives were the victims in that joke, but the legislators themselves were the oppressors, and their hypocrisy was really my target. But for me to stop doing that bit of comedy wasn't chickenshit censorship, it was empathetic editing.

* * *

Now, in July 2012, more than four decades later, rape-joking triggered a widespread controversy when a woman who prefers to remain anonymous went to a comedy club, expecting to be entertained. She chose the Laugh Factory in Hollywood because Dane Cook was on the bill, but he was followed by Daniel Tosh, and she had never heard of him.

In an email to her *Tumblr* blogger friend, she accused Tosh of saying that "rape jokes are always funny, how can a rape joke not be funny, rape jokes are hilarious." She was so offended that she felt morally compelled to shout, "Actually, rape jokes are *never* funny!" Tosh paused and then

seized the opportunity, responding, "Wouldn't it be funny if that girl got raped by like five guys? Like right now? What if a bunch of guys just raped her?" The audience laughed raucously. After all, isn't anyone who yells at a comedian practically asking to become an immediate target? But this woman was stunned and humiliated, and she left. In the lobby, she demanded to see the manager, who apologized profusely and gave her free tickets for another night--admitting, however, that she understood if this woman never wanted to return.

In her email, she concluded that, "having to basically flee while Tosh was enthusing about how hilarious it would be if I was gang-raped in that small, claustrophobic room was pretty viscerally terrifying and threatening all the same, even if the actual scenario was unlikely to take place. The suggestion of it is violent enough and was meant to put me in my place." She added, "Please re-blog and spread the word." And indeed, it went viral.

Coincidentally, on the same night that Tosh, in his signature sarcastic approach to reality, provoked the woman, Sarah Silverman was performing at Foxwords Casino, and she touched upon the same taboo

subject: "We need more rape jokes. We really do. Needless to say, rape, the most heinous crime imaginable, seems it's a comic's dream, though. It's because it seems when you do rape jokes, that the material is so dangerous and edgy, and the truth is, it's like the safest area to talk about in comedy 'cause who's gonna complain about a rape joke? Rape victims? They don't even *report* rape. They're just traditionally not complainers."

Ironically, in *The Aristocrats*, a documentary entirely about a classic joke of the same name, Silverman complained (facetiously) that she was once raped by show-biz legend Joe Franklin. Also, her rape tips for men include, "Carry a rape whistle. If you find that you are about to rape someone, blow the whistle until someone comes to stop you." However, another joke of hers goes like this: "I was raped by a doctor—which is so bittersweet for a Jewish girl."

In the magazine *Bitch* ("Feminist Response to Pop Culture"), an article titled "Laughing It Off: What Happens When Women Tell Rape Jokes?" by Katherine Leyton stated: "Some female comics tell jokes that clearly target rape culture, such as one classic skit by veteran comedian Wanda Sykes, 'Even as little girls we're taught we have something everybody wants—you gotta protect it, you gotta be careful, you gota

cherish it. That's a lot of fucking pressure! I would like a break! You know what would make my life so much easier? Wouldn't it be wonderful if our *pussies were detachable?'* The joke goes on to detail situations where you could leave your 'detachable pussy' at home, mainly to avoid the chance of rape."

* * *

In the fall of 1981, I booked myself for a cross-country tour, from New York to Chicago, Minneapolis, San Francisco and Los Angeles.

While I was in New York, a nun was raped. When I got to Chicago, the rapist was also there. He had given himself up to the police. On stage I explained the true reason why: "He heard that the Mafia, in a rush of Christian compassion, put a $25,000 contract out on his life." That part was true. "So now I'm asking the Mafia to use their clout to end the war in El Salvador since *four* nuns were raped and killed there." They must've heard my request. By the time I got to Los Angeles, the *Herald-Examiner* was reporting that the Mafia was "probably the largest source of arms for the rebels in El Salvador."

In the spring of 1982, there was a Radical Humor Festival at New York University. That weekend, the festival sponsored an evening of radical comedy. The next day, my performance was analyzed by an

unofficial women's caucus. Robin Tyler ("I am not a lesbian comic--I am a comic who is a lesbian") served as the spokesperson for their conclusions. What had caused a stir was my reference to the use of turkey basters by single mothers-to-be who were attempting to impregnate themselves by artificial insemination. Tyler explained to me, "You have to understand, some women still have a hang-up about penetration."

Well, I must have been suffering from Delayed Punchline Syndrome, because it wasn't until I was returning on a plane, contemplating the notion that freedom of absurdity transcends gender difference, that I finally did respond, in absentia: "Yeah, but *you* have to understand, some men still feel threatened by turkey basters."

* * *

The Onion posted a story about a college dorm that was nicknamed "The Rape Hall." And an *Ironic Times* headline stated, "Quaaludes Ends Its Relationship With Bill Cosby." Earlier in Amy Schumer's stand-up career, she told this joke: "I used to date Hispanic guys, but now I prefer consensual." She has since been accused of racist comedy. "I used to do a lot of short dumb joke like that," she responded." I played a dumb white girl onstage. I am evolving as an artist. I am taking responsibility and hope I haven't hurt anyone. I apologize if I did."

Indeed, in an episode of *Inside Amy Schumer* on Comedy Central, a sketch--*Football Town Nights* parodying *Friday Night Lights*--featured a Texas town's new high school football coach. He informs his teenage squad that he's going to be doing things differently. There's going to be a no-huddle offense. Two-a-day practices are mandatory. And there will be no raping. "But we play football!," one player cries. The rest of the team chimes in: "But we play football!" "What if she thinks it's rape, but I don't?" "What about at-away games?" "What if my mom is the DA and won't prosecute, can I rape?" The whole town bullies this coach for taking something away from the players that they obviously need.

In another sketch, Schumer plays a flirtatious lawyer ironically *defending* Bill by bedazzling the judge as well as the jury. On *Late Night,* Seth Myers rhetorically asks, "Why did Bill Cosby cross the road?" He answers himself, "To avoid a reporter who was asking about sexual assault allegations."

At the National Association of Television Program Executives conference, Jay Leno commented on the allegations against Bill Cosby: "I don't know why it's so hard to believe women. You to go Saudi Arabia and you need two women to testify against a man. Here you need twenty-five [now forty-five]." Leno also used one of Justin Bieber's song hits for a

punchline, pointing out that Bieber "wouldn't want to sing 'I Wanna Be Your 'Boyfriend'' to guys in prison."

On *The Daily Show,* Jon Stewart aimed his arrow at presidential candidate Donald Trump, the great Greekish god of Narcissism. Stewart shouts, "There are probably some non-rapists caught up in that tide, whether they're unable to rape for medical reasons, or whether they're just all raped-out." A clip shows Trump reading out loud from a report that "80% of Central American women and girls are raped crossing into the United Sates." CNN's Don Lemon tells Trump. "That's about women being raped, it's not about criminals coming across the border or entering the country."

Trump: "*Somebody's* doing the raping, Don."

"*Touche!,*" said Stewart. "I believe we have our campaign slogan: *Trump 2016--Somebody's Doing the Raping*."

Immediately after *The Daily Show* came *The Nightly Show* with Larry Wilmore. He plays the same clip just a slightly bit longer: Trump spouting, "*Somebody's* doing the raping, Don. I mean, you know, somebody's *doing* the rapiing, You think the women are being raped. Well, who's *doing* the raping?" Wilmore repeats: "*Who's doing the raping?* Okay, who's bringing the chips? Who's bringing the beer? *Wait, wait. Who's*

doing the raping? Oh, okay, sorry about that. I didn't know, I had to ask. I have to tell you, though, as far as campaign slogans go: *Donald Trump 2016--Who's Doing the Raping?"* Hey, it sounds familiar already.

* * *

Although Daniel Tosh is a consistently unapologetic performer for the sardonic material he exudes on his Comedy Central series--which features a running theme of rape jokes, even including one about his sister--for this occasion he decided to go the Twitter route: "All the out of context misquotes aside, I'd like to sincerely apologize." He also tweeted, "The point I was making before I was heckled is there are awful things in the world but you can still make jokes about them."

According to Jamie Masada, owner of the Laugh Factory, Tosh asked the audience, "What you guys wanna talk about?" Someone called out "Rape," and a woman in the audience started screaming, "No, rape is painful, don't talk about it." Then, says Masada, "Daniel came in, and he said, 'Well, it sounds like she's been raped by five guys'—something like that. I didn't hear properly. It was a comment—it wasn't a joke at the expense of this girl." Masada claims that she sat through the rest of Tosh's performance, which received a standing ovation, before she complained to the manager.

Fellow comedians defended Tosh with their own tweets. Dane Cook: "If you journey through this life easily offended by other peoples words I think it's best for everyone if you just kill yourself." Doug Stanhope: "You're hilarious. If you ever apologize to a heckler again I will rape you." Louis C.K.: "Your show makes me laugh every time I watch it. And you have pretty eyes" --except that he wrote it after watching Tosh on TV, but before he learned about the Laugh Factory incident. Nevertheless, he was excoriated and accused of being a "rape apologist."

But C.K. himself is no stranger to sexual-assault jokes. Onstage, he has said that he's against rape-- "unless you have a reason, like you wanna fuck someone and they won't let you, in which case what other option do you have?"

Conversely, in an episode of his TV series, *Louie*, he reversed such roles. After leaving a bar with an especially aggressive woman, Laurie (played by Melissa Leo), that he had inadvertently met earlier, she performs fellatio on him in her pickup truck, then insists that he in turn

perform cunnilingus on her. And he refuses. So, she attacks him physically with unabashed viciousness, mounts him, and he gives in to her demand. In other words, Laurie rapes Louie. No joke. To watch this scene was positively jaw-dropping. It served as a reminder of how often comedians--and their jaded audiences--find prison-rape jokes not only to be funny, but also, as in the case of pedophile Jerry Sandusky, an act of delayed justice resulting in laughter that morphs into applause. A *N.Y. Post* headline about pedophile Subway pitchman: "Enjoy a foot long in jail." And "Don't drop the soap" even made its way to the animated *Family Guy.*

Meanwhile, reacting to the Tosh tirade, Julie Burton, president of the Women's Media Center, stated: "If free speech permits a comedian to suggest a woman in his audience should be gang-raped, then it certainly permits us to object, and to ask what message this sends to survivors or to perpetuators. Tosh's comment was just one extreme example of pop culture's dismissive treatment of sexualized violence, which desensitizes

audiences to enormous human suffering. Internet outcry is encouraging, but popular media needs to push back too."

And the original blogger posted another message:

"My friend and I wanted to thank everyone for there *[sic]* support and for getting this story out there. We just wanted everyone to know what Daniel Tosh had done and if you didn't agree then to stop following him. My friend is surprised to have gotten any form of an apology and doesn't wish to press any further charges against [him]." What? Press charges? Rape is a crime. Rape jokes aren't. They are the risk of free speech. The blog concluded, "She does plan on returning to comedy shows in the future, but to see comedians that she's seen before or to at least look up artists before going to their shows."

Wait till she finds out that Dane Cook suggested she kill herself.

* * *

Now, over forty years since I stopped presenting my concept about a rape-in of legislators' wives, I sent the first draft of this piece around to several friends, and I was particularly touched by a response from Emma Cofod, production manager at my then-publisher, Soft Skull Press:

"Thank you for sharing this! I truly appreciate your thoughts here. I read about this woman's complaint last week, and the whole event turned my stomach. What Tosh did was personally threatening, which is not OK. But even though I fall neatly into the feminist camp, I think your original joke is hilarious—within context, and coming from a comedian whose philosophy I identify with. Color me conflicted."

I think that kind of conflict is healthy. And then there was Louis C.K.'s appearance on *The Daily Show*. This is what he told Jon Stewart between interruptions:

"If this [controversy about Tosh] is like a fight between comedians and bloggers--hyperbole and garbage comes out of those two places, just uneducated, unfettered--it's also a fight between comedians and feminists, because they're natural enemies, because, stereotypically speaking, feminists can't take a joke, and on the other side, comedians can't take criticism. Comedians are big pussies. So to one side you say, 'If you don't like a joke, stay out of the comedy clubs.' To the other side you say, 'If you don't like criticism, stop Googling yourself every ten seconds, because nobody's making you read it.' It's positive. To me, all dialogue is positive. I think you should listen.

"If somebody has the opposite feeling from me, I wanna *hear* it so I can *add* to mine. I don't wanna obliterate theirs with mine, that's how I feel. Now, a lot of people don't feel that way. For me, any joke about anything bad is great, that's how *I* feel. Any joke about rape, a Holocaust, the Mets--*aarrgghh*, whatever--any joke about something bad is a positive thing. But now I've read some blogs during this whole [controversy] that made me enlightened at things I didn't know. This woman said how rape is something that polices women's lives, they have a narrow corridor, they can't go out late, they can't go to certain neighborhoods, they can't dress a certain way, because they might--I never--that's part of me now that wasn't before, and I can still enjoy the rape jokes.

"But this is also about men and women, because a lot of people are trading blogs with each other, couples are fighting about Daniel Tosh and rape jokes--that's what I've been reading in blogs--but they're both making a classic gender mistake, because the women are saying, 'Here's how I *feel* about this,' but they're also saying, 'My feelings should be everyone's primary concern.' Now the men are making this mistake, they're saying, 'Your feelings don't matter, your feelings are wrong and your feelings are stupid.' If you've ever lived with a woman, you can't step in shit worse than that, than to tell a woman that her feelings

don't matter. So, to the men I say, 'Listen to what the women are saying about this.' To the women I say, "Now that we heard you, shut the fuck up for a minute, and let's all get back together and kill the Jews.' That's all I have to say about it."

The audience laughed and applauded, as they did fifty years ago when Lenny Bruce ended a riff on prejudice: "Randy, it won't matter any more even if you are colored and I'm Jewish, and even if Fritz is Japanese, and Wong is Greek, because then we're all gonna stick together—and beat up the Polacks."

My notion of a rape-in of legislators' wives in order to impregnate them was no more meant to be taken literally than Louis C.K.'s killing the Jews or Lenny's beating up the Polacks. Rape-in was a misunderstood metaphor; a pro-choice parable that unfortunately has become timely again, but now my target has been clarified, though it's still those increasingly incredible sexist legislators.

Take Missouri Senator Todd Akin—please. Referring to conception during a rape, when he said, "If it's a legitimate rape, the female body has ways to try to shut that whole thing down," he jumped the proverbial shark. And when Indiana Senate candidate Richard Mourdock said that if a

woman is impregnated by a rapist, "it is something that God intended to happen," he jumped the sperm whale.

No professional comedian had the imagination to come up with such tragicomic satirical concepts as those. The funniest thing is that neither Akin nor Mourdock was trying to be funny. They were simply being their ignorant selves, a pair of religious fanatics who worship a micromanaging deity that made them legitimate assholes in the first place. The good news is that they both were defeated on Election Day. The Republican presidential campaign was crystallized by "Keep the government out of my Medicare," and the Democratic presidential campaign was crystallized by "Keep the government out of my vagina."

While Mitt Romney believes that life begins at conception, Rick Santorum believes that life begins at foreplay. He has gone way beyond his frenzied position against women's right to abortion. He's also against birth control, even though that would *prevent* the need for an abortion. He claims that "contraception is *not* okay" and that it turns sex into "simply pleasure." He has also vowed to "ban all pornography," even though watching porn would *prevent* the need for contraception.

And so it came to pass that Barack Obama was re-elected. His opponent, Romney, fell to his knees and pleaded, "Oh, dear Lord, you

promised that I would win. Why hast thou forsaken me?" And the voice of God boomed out, *"HEY, MITT, LISTEN--I WAS JUST FUCKIN' WITH YA . . ."*

From: Darren Indyke [redacted]
Sent: 8/17/2016 3:27:07 PM
To: Jeffrey Epstein [jeevacation@gmail.com]
Subject: Fwd: Privileged and Confidential - Fwd: JAMES PATTERSON NEW BOOK TELLING FEDS COVER UP OF BILLIONAIRE JEFF EPSTEIN CHILD RAPES RELEASE DATE OCT 10 2016 STEVEN HOFFENBERG IS ON THE BOOK WRITING TEAM !!!!
Attachments: 2016.08.16 - Draft Letter to Eric Rayman re Epstein Book re Steven Hoffe....docx; Untitled attachment 110187.htm; Ex. A - 2016.08.11 - Hoffenberg Email re Being on Book Writing Team.pdf; Untitled attachment 110190.htm; Ex. B - 1997.03.05 - Sentencing Opinion.pdf; Untitled attachment 110193.htm; Ex. C - 2014.12.16 - Consent Decree re NY Post.pdf; Untitled attachment 110196.htm; Ex. D - 2016.07.05 - Order Dismissing Case.pdf; Untitled attachment 110199.htm

Importance: High

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Date: August 16, 2016 at 10:42:56 PM EDT
To: 'Darren Indyke' <[redacted]>

Darren:

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Best,

Charles

From: Darren Indyke [mailto[redacted]
Sent: Monday, August 15, 2016 5:35 PM
To: Michael, Charles
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Thanks,

Regards,

Darren

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& JOHN CONNOLLY WITH TIM MALLOY

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A POWERFUL BILLIONAIRE,
THE SEX SCANDAL THAT UNDID HIM, AND ALL
THE JUSTICE THAT MONEY CAN BUY:

THE SHOCKING TRUE STORY OF JEFFREY EPSTEIN

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Interviewer: "It's the
too close to the sun."

Jeffrey Epstein: "Did

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Interviewer: "It's the Icarus story—someone who flies too close to the sun."

Jeffrey Epstein: "Did Icarus like massages?"

—New York City, 2007

AUTHOR'S NOTE

Late one afternoon, while taking a leisurely stroll on the Upper East Side of Manhattan, Tim Malloy, a friend of mine and a collaborator on this book, nearly ran into a trim, silver-haired neighbor of ours from Palm Beach.

The man was walking down Madison Avenue, and several things about him were striking. For one thing, he was wearing slippers. Expensive, embroidered, monogrammed slippers. But slippers all the same.

For another, he was accompanied by two attractive women. Even in Manhattan, an island that attracts beautiful women from all over the world, these women stood out.

As the man half shuffled, half walked down the avenue, the women walked slightly behind him, as if they were attendants or staff.

Tim followed, keeping a respectable distance, as the threesome made a right onto 71st Street and headed toward an enormous town house—a house that was almost a fortress—right

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in the middle of the block. The imposing residence had a stone facade and a fifteen-foot-high front door that wouldn't have looked out of place protecting a castle. And, like our neighbor's slippers, the house had a monogram: raised brass letters that spelled out JE.

The house and, quite possibly, the two women belonged to Jeffrey Epstein, a rich and powerful man who was also a registered sex offender with a strong taste for underage women.

Not just sixteen- and seventeen-year-olds. But younger girls as well.

Epstein was alleged to have abused dozens of young women, or, more accurately, girls. He'd settled potential lawsuits with some of them. He'd done a bit of prison time for his crimes. A *bit* of time. And now here he was, out in the world again.

Accompanied by two beautiful young women.

I had been hearing hair-raising stories about Jeffrey Epstein for a couple of years. Our interests could not have been more different, but Palm Beach, where we both live, is small and tightly knit, and we knew some of the same people.

Epstein's arrest had made headlines in papers all over the world. But in Palm Beach, it caused a scandal that continues to set off aftershocks and leave a bad smell.

So I had followed Epstein's case in the media and talked about it over dinners with friends. I wondered why it had taken so long for the Palm Beach police to catch up with Epstein. And, once they did, why he had served so little jail time.

Those were the obvious questions, but there were others: How had Epstein made his money, possibly billions? No one

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ey, possibly billions? No one

seemed to know. And while the news media had some details about the underage girls, reporters seemed only to know what had happened *at the moment of his arrest.*

Epstein definitely liked his massages. He got them from two, even three, young women a day, right in his mansion on the island. He'd been operating on an almost industrial scale. But who were these girls? Where had they come from? How did they find their way to his home on a secluded street in Palm Beach?

Epstein had powerful friends. He'd flown Bill Clinton around in his private jet and rubbed shoulders with heads of state, Nobel Prize winners, any number of billionaires. Prince Andrew, the man sixth in line to the British throne, had been a close friend.

Were any of these connections the reason that Epstein was now a free man?

I wanted to know. After all, our homes were a half mile apart, and Epstein's actions had had an undeniable impact on the town where I lived. Stirred by that sighting of Epstein up in New York, Tim Malloy and I began to investigate.

We partnered with John Connolly, a tough, no-nonsense journalist who had once been a cop with the NYPD and had been following the Epstein story for close to ten years.

Working together, we interviewed Epstein's friends, going all the way back to his childhood; we met with Epstein's acquaintances, employees, neighbors, and business associates, and finally with the families of his victims. We interviewed law enforcement officers who'd worked on the investigation in Palm Beach and lawyers on all sides of the resulting court cases, some of which are still working their way through the court system.

Combining our interview material with evidence obtained from court filings and other investigations, such as the one

HOUSE_OVERSIGHT_019116

conducted by Connolly's *Vanity Fair* colleague Vicky Ward, we began to put the pieces together.

In a few instances, we have re-created brief scenes and snatches of dialogue. These are based on interviews, police investigation documents, and court filings. We changed the names and identities of the girls, hoping to protect them from more embarrassment and harm.

There never was any doubt that Jeffrey Epstein was guilty. He admitted as much in the non-prosecution agreement he agreed to sign in 2007. The question is, what exactly was he guilty *of*?

This book attempts to answer that question and many others about this strange and mysterious man. These days people all around the world are angry about and suspicious of the super rich and powerful. The story of Jeffrey Epstein is an object lesson about why we ought to be. To put it simply, some people think they can operate outside the law. And that's what they do.

—James Patterson, Palm Beach, February 20, 2016

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Palm Beach, February 20, 2016

PART I

The Crime

HOUSE_OVERSIGHT_019118

CHAPTER I

Mary: February 2005

It's a typically slow South Florida Sunday, and Mary's staring into the mirror, trying to wipe the morning cobwebs away from her dark, sleepy eyes.

She's a pretty girl, tiny—just five feet three inches tall—but tanned and athletic, with curly black henna-streaked hair.* Her bedroom's a playland of pinks and pastels, stuffed animals, and boy-band posters. But Mary's a teenager now. Fourteen years old. She even has a boyfriend. He's cute and popular. Joe† is the heartthrob of her school, and Mary's feelings for him are new to her, powerful, hard to untangle. She's thinking of Joe as she presses the Play button on her iPod.

The MP3 player's on shuffle. There's no telling what song will

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* Mary's name, some identifying details, and dialogue have been changed.
† Joe's name, some identifying details, and dialogue have been changed.

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come up, and Mary's head drops dramatically in anticipation. Then a loud, sexy throb spills out of the earbuds: Britney Spears. The bass line takes over, and she starts to dance, moving her hips as she lip-synchs the lyrics:

With a taste of a poison paradise...

Mary's swept away by the song. She's twirling around and around, flinging her arms out to grab the clothes hanging up in her closet—*it's like embracing ten thousand fans!* Then she stops and pulls out the earbuds. Suddenly she's become fourteen again. Just a girl, jittery, nervous.

What she's thinking about now is what she will wear to the big fancy house.

Mary desperately wants to make an impression. This will be her first trip to the house. She does not want to look like a child on this outing.

She picks out a pair of skinny white jeans, puts on a freshly washed halter top that leaves her flat stomach bare. The cross that Joe gave her last Christmas hangs from her neck.

Think of the money, she thinks.

For Mary, it's incredible money. Several weeks' wages at Mickey D's. And just for giving some old man a massage? She twists the earbuds back in, dives into the closet, sings along with Britney Spears:

Don't you know that you're toxic?

The tight white jeans fit Mary perfectly. She turns to check herself out in the mirror, cropping the scene with her fingers to

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in big, high-ceilinged b
with natural smiles, pe
dolls are beautiful. The
if Mom and Dad are w
mothers and fathers are
you get Barbies—passe
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of knowingness to the c
American Girl dolls are
Barbie's dangling her lo
from women.

Be like Barbie, Mary

She *can't* be nervous.

What she tells hersel
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But, of course, it is a
big fancy house will bec
police investigation—a
the Palm Beach PD—a
the home's owner, Jeffrey

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block out the Barbies behind her. Over on the Gold Coast, girls in big, high-ceilinged bedrooms have American Girl dolls. Dolls with natural smiles, perfectly vacant moon faces. American Girl dolls are beautiful. They're expensive. But you *have* to have one if Mom and Dad are willing to pay. Over on the Coast, most mothers and fathers are. But out in the sticks, where Mary lives, you get Barbies—passed down from mother to daughter, from sister to sister. They're rail-thin, missile-breasted. There's a touch of knowingness to the curl of their otherwise innocent mouths. American Girl dolls are girlie, but Barbie's like Britney Spears. Barbie's dangling her long legs over the line that separates girls from women.

Be like Barbie, Mary thinks.

She *can't* be nervous. Not now. Not today.

What she tells herself, over and over again, is: *It's not that big a deal.*

But, of course, it is a big deal. Before long, Mary's visit to the big fancy house will become part of a months-long Palm Beach police investigation—an affidavit for probable cause, filed by the Palm Beach PD—and, finally, the arrest and conviction of the home's owner, Jeffrey Epstein.

HOUSE_OVERSIGHT_019121

CHAPTER 2

Jeffrey Epstein: February 2005

Jeffrey's morning routine is precise and unvarying. First he spends twenty-five minutes in silence, visualizing the day ahead as he digests the guava, banana, and Müeslix that his chef prepares for him—the same way every day—at six in the morning. Then Jeffrey walks a third of a mile up to South County Road, pausing once in a while to take deep, restorative breaths.

It's a slight slope that leads toward the ocean. Jeffrey's home on the Intracoastal Waterway is behind him now. The morning's not windy. The Atlantic is calm and glittery, and fishing trawlers bob gently on distant waves.

Jeffrey's partial to monogrammed sweatpants, monogrammed fleece pullovers, and hoodies. Casual attire offset by embroidered Stubbs & Wootton slippers—the kind that sell for hundreds of dollars a pair. His hair, which is thick, has turned silver. But Jeffrey Epstein does not have a paunch. For a fifty-two-year-old

man, he's extremely fit.
strong jawline.

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CHAPTER 2

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man, he's extremely fit. Six feet tall, 180 pounds, brown eyes, a strong jawline.

He's never been a drinker. He doesn't smoke or take drugs, and he takes care good care of his body as well as his mind.

It's a magnificent mind. His gift is for numbers: complex calculations, abstract formulas. Even as a child, Jeffrey could untangle math problems that would stump most smart adults. Numbers just fall into place for him, forming in ranks he can bend, twist, manipulate—and *multiply*. He could have been a scientist or a mathematician. As a young man, he taught calculus and physics. Then he became an investor—a very rich man. Then he became a philanthropist, like Bill Gates. His love for science has inspired him to give millions to academics and institutions committed to studying mysteries of the brain and the arcana of physics. He's given millions to Harvard. And he's given money to politicians: Governor Eliot Spitzer, of New York, and Governor Bill Richardson, of New Mexico, where Epstein owns the largest home in the state.

Epstein's flown Bill Clinton to Africa on a private jet—not the Gulfstream he owns but his Boeing 727, customized with its own trading floor—so that the former president could promote his various and worthy causes.

Just for fun, Chris Tucker, the comedian, and Clinton's pal Kevin Spacey had tagged along for the ride.

"Jeffrey is both a highly successful financier and a committed philanthropist with a keen sense of global markets and an in-depth knowledge of twenty-first-century science," Clinton would say through a spokesperson. "I especially appreciated his insights and generosity during the recent trip to Africa to work on democratization, empowering the poor, citizen service, and combating HIV/AIDS."

HOUSE_OVERSIGHT_019123

But is Jeffrey thinking about that trip now?

His first guest is due that morning at nine, and that leaves him enough time for a shower, a lunch, and a few phone calls before the second girl arrives.

Sarah has scheduled that girl for one.

For Jeffrey, it's just part of the daily routine.

But on *this* day, there's a delicious twist.

One of the girls is a first-timer.

Mary: February 200

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CHAPTER 3

Mary: February 2005

Downstairs, the doorbell is ringing. Mary's father shouts, gruffly:

"Ella está aquí. Su amiga con el camión."

"She's here. Your friend with the truck."

Mary runs down the stairs. It's game day, and Dad's already got the TV on. Her stepmom's out running errands. Mary's twin sister has gone out, too, Rollerblading with a few of her friends.

"Going shopping," she yells, and she pops a piece of Dubble Bubble into her mouth.

"¿Dice quién?"

"Says who?"

Mary's already halfway out the door. Her father calls out again, but on Sundays there's no getting him out of his chair. Besides, Mary knows he'll be happy when he sees the money she's made. *Real* money, like Joe's cousin Wendy Dobbs, is

HOUSE_OVERSIGHT_019125

making.* And it's not like she's running off to do something crazy. After all, Wendy's assured her already that there's nothing to worry about.

Mary's father is Cuban—an immigrant—a self-made man who runs a contracting business. He's wise to the ways of the world and highly protective of his two daughters. They're good girls, he knows. Almost angels. As far as he knows, they don't drink. They've never tried drugs. They love clothes and, especially, music—Britney Spears, Nelly Furtado, Maroon 5, the boy band with that dreamy lead singer. Mary loves California, which she's never seen but daydreams about. She just *knows* she'll live there someday—a plan that's okay with her father as long as Mary keeps up with her homework and chores.

What he worries about, in the meantime, is the crowd that Mary runs with.

Joe is a fine boy. More responsible than most American boys his age. But Joe's cousin, Wendy, is another story. Mary's father doesn't like Wendy at all and would have liked her even less had he known about Wendy's intentions.

In just one hour, Wendy's told Mary, she can make more money than her father makes in a day: "This guy in Palm Beach. He's rich. Very rich. He has an airplane. He owns an *island*, you know?"

Like a lot of kids who live inland, away from the Florida coast, Mary's dreams reach way beyond the dull, scrubby flat-

* Wendy Dobbs's name, some identifying details, and dialogue have been changed.

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lands and strip malls she's grown up around. There's so much that she wants to do and see. But for her the Gold Coast, twenty miles away, might as well be another country.

"*Yes*," she had said, without even thinking about it.

Then there was Joe to contend with.

"Who *is* this guy?" Joe had said, shaking his head. "You don't know a thing about him."

"*Hundreds* of dollars," Mary had whispered. She couldn't quite look at Joe, but she was firm: "I can make that in one *hour*."

Joe seemed to think they were actually talking about it. A conversation—some back-and-forth. But the thought of not going hadn't even crossed Mary's mind. If anything, she hoped that it would become a regular thing.

"To rub his *feet*? Are you kidding? If you're not worried about it, why haven't you told your dad?"

"It's your cousin, Joe! Some girls go three times a week."

"The guy's feet must be killing him."

"Shut up!"

"Tell your father."

"You know how Dad is. You don't tell *your* parents everything."

"I'm not going to some freak's mansion to rub his feet."

"That's right. *I* am."

"And if I told your father? Or mine?"

"You'd never see me again."

Mary felt bad as she said it. She felt bad for lying.

She knew that it would be more than a foot rub.

Wendy had told her that much, at least.

HOUSE_OVERSIGHT_019127

CHAPTER 4

Jeffrey Epstein: February 2005

John Kluge, the media magnate, has bought up several lots around here, torn down the mansions, and built a grand, sprawling estate. But Epstein's neighbors have blocked his own efforts to buy more land and increase his holdings.

Epstein's address in Palm Beach is 358 El Brillo Way. Built in the fifties by a totally run-of-the-mill architect, the house has none of the elegance of his neighbors' homes. It's big, with a big swimming pool—that's the most you can say for it. It's totally bland. But it's the last house on a dead-end block, the last block of the street, and this makes it very *secluded*.

Tonight, one of Epstein's black Escalades will whisk him away, taking him to the private terminal at Palm Beach International Airport. Then a short flight down to Little Saint James—or, as he likes to call it, Little Saint Jeff's—the seventy-eight-acre island he owns in the Virgin Islands. But for the moment, there

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CHAPTER 4

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ht down to Little Saint James—
ınt Jeff's—the seventy-eight-acre
lands. But for the moment, there

are still things to attend to in Florida. Business *and* pleasure—although, in Epstein's experience, the two have always fit together nicely.

He strolls through the gate, past the guard, up to the side door that leads to the kitchen. Inside, he ignores the maid doing dishes and climbs a wide, winding staircase to the second floor. He walks down a hallway, one that's lined with photographs of naked women. Then, in his bedroom, he opens a closet. Inside, there are many more photographs. Erotic photos, tacked to the wall, of girls who have come to the house.

Familiar faces, familiar bodies. That's what makes the first-timers so special.

Epstein checks his watch before closing the door.

The Virgin Islands can wait.

HOUSE_OVERSIGHT_019129

CHAPTER 5

Mary: February 2005

The Dubble Bubble's lost all its flavor, but Mary's still chewing the gum as she shifts, nervously, in the backseat of Wendy's big pickup truck. The girl sitting up front next to Wendy is a stranger to Mary. She's chain-smoking menthols. The music is blaring; the seat is filthy and gross. Worried that her white jeans will get grody, Mary sits on her hands. Then, through the window, she sees a gigantic resort called the Breakers. It is resplendent, sun-drenched, not quite *real*—like something you'd see in the movies.

It makes for an interesting contrast.

"We'll wait for her," Wendy says to the girl in the passenger seat. "Then we can all go to the mall."

"Which one?"

"The Gardens."

It's like she's not there. Mary wants to say something about it,

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Mary nods.

"I mean it," says Wend

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CHAPTER 5

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wants to say something about it,

but she doesn't know if the other girls would even respond. Wendy's always seemed so much cooler than kids Mary's age. This other girl's just a mystery. And when Wendy does turn around to speak to Mary, her stare seems to slice right through the younger girl.

"Remember," Wendy says, according to a probable cause affidavit filed by the Palm Beach police. "When he asks how old you are, say eighteen."

The light changes, and Wendy turns back around but keeps looking at Mary in the rearview mirror.

"Got it?"

Mary nods.

"I mean it," says Wendy.

Who would believe her? Anyone can see that Mary is younger than that.

"*Okay*," she says. "I got it. Eighteen."

Mary takes out her flip phone and sends Joe a text: "Your cousin is a BAMF."

A badass motherfucker.

There's no reply.

"Or maybe she's just a bitch," Mary texts.

Still no reply.

Joe must still be in church, Mary thinks.

They pass El Bravo Way and turn onto El Brillo Way.

Wendy's driving slowly now, right at the speed limit. Once more, she says: "When the man asks your age, say eighteen."

Mary nods again and smiles, slightly. She wants Wendy to see her smiling. To know that she's got it all under control. But Wendy's eyes are on the front gate now. It opens, she parks, and they walk past a guard.

HOUSE_OVERSIGHT_019131

"We're here to see Jeff," says Wendy.

The guard nods—*of course you are*—and leads them to the side door.

They're in the kitchen now. Mary, Wendy, some middle-aged man. The man has a long face, bushy eyebrows, and thick silver hair—and he's *fit*. As fit as the jocks that Mary goes to school with. Not attractive, exactly. He's way too old for that. But confident, in a way that makes an impression.

Standing behind the man there's a woman. She's blond, very pretty, much taller than Wendy.

What a strange scene, Mary thinks. She can't shake the feeling that the man is *studying* her. Then he nods, and he and Wendy walk out of the kitchen. A little while later, they're back.

"Sarah," the man says to the tall woman. "You can take Mary upstairs."

Sarah takes Mary up a wide winding staircase carpeted in pink. Together they walk down a hall that's got photographs on the wall—naked women. Long curtains cover windows and don't let in much light. In the air, there's a strong lavender fragrance.

Then they come to a room containing a green-and-pink sofa. There's a large bathroom off to one side and doors on either side of the sofa. There's a wooden armoire with sex toys on it. There's a massage table, too, and a mural of a naked woman.

"Wait here," says Sarah. "Jeff will be up in a moment."

Mary's too freaked out to do anything else. Fidgeting with her belt loops, she sits on the sofa, jumps up again.

Then she sees *the pictu*

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Much younger than M

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Mary gasps. She turns

in front of her, wearing no

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a, jumps up again.

Then she sees *the picture*.

All the girls in the photos are young. But the girl in this one's just a baby.

Much younger than Mary herself.

The girl's smiling, but the smile's mixed with something else—some sort of *anxiety* that's out of place on such a small face. And what she's doing is shocking: pulling her underwear off to the side. Flashing one of her tiny apple-round butt cheeks toward the camera.

Mary gasps. She turns around. And there's Epstein standing in front of her, wearing nothing but a towel.

HOUSE_OVERSIGHT_019133

CHAPTER 6

Michael Reiter: March 2005

Chief Reiter looks more like a bank president than a cop. He's well built, with an air of formality and discretion. But he's got twenty-four years on the job. Decades earlier, he was a campus police officer in Pittsburgh. Then he rose, steadily, through the ranks in Palm Beach, moving up from patrol officer to detective, working vice, narcotics, and organized crime, then becoming a sergeant, captain, major, and assistant chief—a job he held for three years—before becoming chief of police. Reiter is what you'd call seasoned, although chief of police in Palm Beach is a job that calls upon his political skills as much as his street smarts.

Then again, from time to time, things do happen.

Once in a blue moon there are murders—though these are so rare that they tend to be remembered for decades.

Sometimes there are hurricanes to contend with, and, when the

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CHAPTER 6

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sea calms, human cargo washes up on the shore. Sometimes traffickers aim the bows of their boats at the glow of the Breakers resort, order their passengers to go overboard, then tell them to swim.

Most of the passengers are Haitian—men, women, and children who stake all they have on a chance at a life in America. From time to time, Palm Beach cops have to retrieve their bodies from the surf.

Things get busier during the wintertime, or, as the locals call it, the season. It's when the very rich come to town, throw parties and balls, shop, and tangle traffic at the intersections around Worth Avenue. The population booms, and the men and women who work under Chief Reiter deal with fender benders, shoplifters, and snotty skateboarding teenagers. There are DUIs. Domestic disturbances. Choking victims and heart attacks. It's routine stuff, but there's always lots of it. Enough to keep the men and women who work for Reiter busy.

Chief Reiter's proud of the team he has built. And, the team knows, they're lucky to have him. Reiter's extremely well qualified for the job. If anything, he's overqualified, with a certificate from the John F. Kennedy School of Government at Harvard and anti-terrorist training at Quantico, courtesy of the FBI. It's not brought up often at cocktail parties in Palm Beach, but several of the 9/11 hijackers lived in Palm Beach County. They took flight lessons at local airstrips. A few, including the mastermind, Mohamed Atta, had been regulars at 251 Sunrise, a chic nightclub in Palm Beach. There they had regaled any woman who would listen with made-up stories about their adventures as pilots.

But 251 Sunrise is shuttered now. The joint was shut down in 2004, after an avalanche of noise complaints. For the moment, Palm Beach is as quiet and calm as any place Reiter has dreamed about.

For the moment.

HOUSE_OVERSIGHT_019135

CHAPTER 7

Mary: March 2005

If there's no traffic, Mary's hometown is less than thirty minutes away from the island of Palm Beach. But in economic terms it's a world away. Her high school is run by the county. Most of Mary's classmates are black. Thirty percent are Hispanic, as she is. The rest are white. The school has a C rating, and lots of students receive free or discounted lunches. Mary is one of those students. But inch by inch, she's working her way out of the crab barrel. A good kid, her teachers think. A kid with a future in front of her.

Weeks have gone by since her meeting with Epstein. She hasn't told anyone about the visit. Still, other kids at the high school have noticed a change.

"Yo, Mary," a friend says. "What's up with you anyway?"

This is a kid who veers from nice to mean, depending on who else is around.

Still, a friend.

"Nothing," says Mary.

"You got your period?

"Shut the fuck up," M:

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CHAPTER 7

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Still, a friend.

"Nothing," says Mary.

"You got your period?"

"Shut the fuck up," Mary whispers.

There have been rumors going around, she knows that. Rumors started by a girl who has eyes for Joe.

"Whore," her rival shouts in the hallway one day.

"You're the whore," Mary shouts back.

Mary rushes the girl, who shoves back, grabbing at Mary's hair, twisting and tugging. Someone yells, "Catfight!" By the time the bell rings for next period, Mary's sitting in the principal's office.

She shakes her head in reply to the questions, stays silent, feeling humiliated.

Then, in her wallet, they find the three hundred dollars.

Mary's too young and too small to be stripping. Besides, the bills are all twenties, not singles or fives. When they call Mary's parents, her teachers suggest a more obvious explanation: Does Mary do drugs or deal them?

Mary's father knows better than that. "No," he insists. A psychologist is called in. And then, Mary does start talking.

Once she does, she can't stop.

It's a wild story. Highly disturbing. A mansion in Palm Beach. A powerful man. This is all far from the principal's wheelhouse. It's *definitely* a matter for the police. In the meantime, the school's recommending a transfer, purely temporarily, to a facility for troubled kids—ones with "issues."

Mary's a good girl, it's true. But further confrontations at the high school will not be tolerated.

HOUSE_OVERSIGHT_019137

CHAPTER 8

Michele Pagan: March 2005

On March 15, Palm Beach police officer Michele Pagan takes the first call from Mary's stepmother.

"Ma'am," she says, "I'm going to have to ask you to come down to the station."

"I don't want to say anything more until I speak with my husband."

"Ma'am, I appreciate that. But I'd urge you to come in. Let us find out what happened. Please."

"I'll get back to you."

"Please, ma'am. I'm here for the rest of the day. We're on South County Road."

At the station, Mary's father does most of the talking.

"There was an incident," he says. "At school. A fight between Mary and another girl. But please understand, our Mary's not like that."

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CHAPTER 8

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Officer Pagan's starting to feel as though she's swimming in uncharted waters. She's young, and the cases she's worked before this have been minor. Robberies, that sort of thing. Pagan's not used to the Gold Coast. She was educated in New York City, and, to her, the less affluent towns further in from the Coast might as well be somewhere in Georgia. Then again, she knows enough to know that in the back of the station, detectives are already whispering.

What's a guy with that kind of money need with some girl from out west? The women around here could make a man cry.

Extortion?

The kid's fourteen. What would she know from extortion?

Have you seen the shows these kids watch? They know about things we've never dreamed about.

No, Pagan thinks. This is her case.

She's the one who's going to work it.

HOUSE_OVERSIGHT_019139

CHAPTER 9

Mary: March 2005

Mary's father and stepmother believe their girl. Officer Pagan believes Mary's parents. Ergo, Mary must be telling the truth. The girl's got a sweet, high, halting voice. Pagan interviews her twice, and both times, she speaks with her chin buried deep in her chest.

"Tell me, honey," says Pagan. "What happened?"

In her notepad, Michele Pagan writes: *While speaking to me, Mary became upset and started to cry.*

"This white-haired guy came into the room," Mary says. "Wearing only a towel around his waist. He took off the towel. And then he was all naked, and he lay down on a massage table.

"He was a really built guy. But his wee-wee was very tiny."

Mary tells Pagan that Epstein spoke only to give her instructions, which he did in a stern voice. She tells Pagan that she was alone and didn't know what to do.

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CHAPTER 9

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She removed her pants, leaving her thong panties on, Pagan writes in her incident report.

She straddled his back, whereby her exposed buttocks were touching Epstein's exposed buttocks.

Epstein then turned to his side and started to rub his penis in an up-and-down motion. Epstein pulled out a purple vibrator and began to massage Mary's vaginal area.

Mary's sure that Epstein ejaculated. "He used a towel to wipe himself down as he got off the table," she says.

That week, Pagan's assigned to the case, along with six detectives. Five men, two women. "A predator case," one of them will say. "This is different from someone who is stealing. This predator is a smart person, and that's his *desire*. He can't stop."

Within days, another victim comes into the station. She's got a similar story.

It's a tricky case, according to a source closely involved with the investigation, because the girls involved are far too young to use as bait in an attempt to catch Epstein committing another crime—even if they were willing to play along. Still, there are other strings that Chief Reiter's team can start pulling.

Two weeks later, on March 31, Officer Pagan has Mary make a controlled call to Wendy Dobbs.

The first attempt goes straight to voice mail.

The next time Mary calls, Wendy picks up.

On the recordings made by Officer Pagan, Mary's voice is tiny and tentative, while Wendy sounds mature, gruff, fully grown, like the femme fatale in some old black-and-white movie.

"Hey, what's up?" she says impatiently.

HOUSE_OVERSIGHT_019141

"Nothing," says Mary.

"I talked to Jeffrey, and I'm going to his house tomorrow morning," says Wendy. "I'm going to set something up for you."

"Cool. Like, what do you think?"

"I don't know. I'm going to talk to him tomorrow morning when I go to his house about it."

"Um, how much would I get paid?"

"Talk to him. I'll talk to him tomorrow, and then I'll bring you in the next day. You can talk to him about it."

So far, so good, thinks Officer Pagan. But she needs more. She looks at Mary expectantly, but not too expectantly, she hopes. She can imagine how hard it must be for the girl. Or maybe she can't imagine it at all. But either way, Mary seems to have gotten the message. Straightening up in her chair, she begins to press Wendy.

"I don't know," Wendy says in response. "I don't know. You're going to have to talk to him about it. I mean, I don't really work for him like *that*. I just bring girls to him and they work for him. . . . You can ask him, like, 'What can I do to make more money?' "

Mary keeps pressing.

"The more you do, the more you get paid," Wendy says finally.

"Want me to bring my sister for you? So that we can get paid more or something?"

"Well, yeah. That's what I'm saying. I'm working tomorrow, and me and him are going to put a schedule together for you and your sister. So I'll call you tomorrow when I leave Jeffrey with a schedule."

"Okay, well, I don't have a phone. So if you guys call me, I'd have to know what time so I could get the phone."

"Okay. I'll leave you a message. That's fine. I'll leave you a message."

Noel St. Pierre: Mar

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* Noel St. Pierre is a compo

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CHAPTER 10

Noel St. Pierre: March 2005

Noel St. Pierre* thinks of the kids he grew up with in Haiti. His old neighborhood was pressed up against the jungle border that Haiti shares with the Dominican Republic, and some of the kids he knew would slip over. Those kids would stay in the DR for a few days, sometimes weeks. Some of them never returned. But the ones who did come back wouldn't say too much about it.

Most of them didn't talk much at all.

By the time he was ten, Noel had learned the truth about those kids. He'd learned that they'd ended up working as *prostitutes*.

This was how Noel St. Pierre had learned about evil. There really were devils out in the world. Flesh-and-blood devils, and

* Noel St. Pierre is a composite character.

HOUSE_OVERSIGHT_019143

they were nothing like the demons he'd heard about in church. Noel had never forgotten the way those kids looked. The way they'd turned into old men and old women. They were like zombies trapped in children's bodies. And now, in America, Noel's been given a chance to help other kids.

That's what the police have told him, at least.

Noel is a sanitation worker. Still strong at fifty, and lucky enough to have found his way to Palm Beach, he gets in to work before anyone else and keeps his white compactor truck clean, almost glistening. His pickup route runs hot and cold with the seasons. But even in the summer, with much less to do, he's on the job early, braced for a six-hour shift that would break a lesser man's back. In the winter, the job gets even harder. The Estate Section gets especially busy. Some of the parties have hundreds of guests. They leave behind mountains of refuse. That garbage gets picked up daily, or twice a day when requested. It's carried by workers who slip, silently, under the porte cocheres. Then it gets whisked twenty miles away to a landfill that the garbagemen call Mount Trashmore.

Noel's stretch of the Estate Section runs from the Everglades Club to the southernmost tip of the island. It encompasses Banyan Road, Jungle Road, El Bravo Way, and El Brillo Way. His performance record is spotless. As far as the Palm Beach PD is concerned, he's the perfect man for the job.

Chief Reiter's authorized a "trash pull"—a legal way to collect discarded evidence. In this case, evidence culled from Jeffrey Epstein's garbage. But when the police call him, Noel St. Pierre simply assumes that another refugee boat has run aground on

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h pull"—a legal way to collect
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the beach. A sad thing, but something that does happen from time to time. His homeland, Haiti, is desperately poor. Run by despots who line their pockets while everyday people suffer.

Many of the refugees are illiterate.

Most of them speak only Creole.

"Eske ou ka ede nou, souple," they ask.

"Can you help us, please?"

The cops always need a translator, and Noel's been asked to help out before. But this time the police officer's voice is raspy, impatient.

"This time is different," the officer says. "Something very special. You don't have to accept. But if you do, you'll have to keep things to yourself, completely."

When he hears what the story is, Noel accepts.

"I'll do it," he says immediately.

The address he's been given is 358 El Brillo Way. On his first morning, St. Pierre moves swiftly, sneaking a glance through the kitchen window at the four silhouettes standing inside. Three women, one of them quite short, with pigtails.

The fourth silhouette is that of a tall man.

The police have given him clear instructions. The work is unsavory, but so is the work Noel does every day. What the detectives want from him now are slips of paper with phone numbers, along with toothbrushes, condoms, discarded underwear. Anything that could provide DNA. He's been told to use a special truck on the El Brillo run. Whatever he finds he's to put aside in small trash bags he'll deliver directly to the station at the end of every shift.

HOUSE_OVERSIGHT_019145

Jeffrey Epstein's garbage will never arrive at Mount Trashmore.

As he drives to the police station, St. Pierre thinks about Epstein and what he's been told. It's a wonder to him that American kids would do what the police say these kids have done. American kids are rich, after all. *Some of them just don't know it,* he guesses.

Americans always want more than they have.

Then again, children do stupid things. They don't know any better. And St. Pierre's trips to the house make one thing clear. These girls are young. *Really* young.

"I hope you can stop this man," St. Pierre tells the cop.

The detective shoots him a sharp look, and St. Pierre nods.

"Please," he says, more softly this time.

"Can we count on seeing you here tomorrow?"

The detective looks antsy, impatient again. In his hand he's holding a scrap of paper that Noel St. Pierre has pulled from Epstein's trash. Wendy Dobbs's name is on it. Mary's name is on it as well.

The detective can't wait to get it to Chief Reiter's office.

"As long as it takes, sir," St. Pierre tells him. "Tomorrow, the next day. Whenever you need me."

Michael Reiter: Sep

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CHAPTER 11

Michael Reiter: September 2005

There's a sense in which the Palm Beach PD functions as a foundation. From time to time, one of the town's wealthy residents will walk in with a check followed by an inquiry. How much more would the police force need to make this remarkably safe community feel even safer?

A tax write-off? Sure. But why not? Coming from most, it's a genuine gesture. One of appreciation for all they have and for all the department's efforts to guard it. Donations are accepted graciously, gratefully. In 2004, the department had taken one from Jeffrey Epstein—the second donation he'd made to the Palm Beach PD—for ninety thousand dollars. Generous, even by the generous standards of Palm Beach. The donation, which Epstein delivered personally, was earmarked for a firearms training simulator. But that day Michael Reiter had thought something seemed *off* about Epstein.

HOUSE_OVERSIGHT_019147

Something an old cop would notice.

Reiter's officers had told him about complaints they'd gotten a few months earlier—young women hanging around at the end of the block or coming and going at all hours from Epstein's house. "There was some follow-up to that," Reiter said in a deposition for *B.B. vs. Epstein*, a civil suit, brought by a victim, that Jeffrey eventually settled. "I think we may have encountered one or two of them. [We] may have done a little bit of surveillance or talked to neighbors as to whether or not they had seen that. I think we were of the general understanding that, yes, there were very attractive young women coming and going from Mr. Epstein's residence.

"We did some level of further inquiry, and we were of the belief that they were all adults. And [we] were also of the belief that there was a possibility that there could be prostitution. But I mean that's just not something that we heavily pursued—prostitution in private residences; it's common everywhere in America. We didn't believe that they were underage at that point, and so we had no further interest in it."

Reiter had recalled those complaints on the day Epstein had shown up with his $90,000 donation. And when Reiter had walked Epstein downstairs, he couldn't help but notice the tall, beautiful woman whom Epstein had brought with him to the station.

It struck him as strange that she was standing so stiffly, eyes cast downward, as though she were afraid to speak. Not a kid. But not a woman, either. Epstein did not introduce or even acknowledge her. To Reiter, this, too, seemed odd.

Indeed, the statuesque woman was Nadia Marcinkova, a

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ıman was Nadia Marcinkova, a

nineteen-year-old beauty who lived at Epstein's home and was described, by another girl, in a recorded interview with Detective Recarey, as one of Epstein's "like, slaves."

In September, several months into the investigation, Epstein calls Reiter directly and asks: Has Palm Beach bought the firearms simulator yet?

Cautiously, Reiter tells him that they're still doing research.

If the department needs more funds, Epstein says, he'll be happy to provide them.

Reiter thanks him graciously and hangs up. But he's certain now that Epstein knows about the investigation. Thinking about Epstein's crimes in Palm Beach makes him shudder. And, Reiter knows, if the charges are true, things are going to get ugly and public.

Cops like Reiter are family men, fathers. Some see so much that they're no longer surprised by the ways of the world. Still, it helps to hold on to a natural capacity for outrage. Thefts are easy to understand: you see something you need, so you take it. Even murders make a kind of sense once you understand the motivation. There's great satisfaction in catching a murderer. But what Epstein's been up to is hard to explain.

Who is this guy?

Reiter's detectives will have to get into Epstein's head. To nail him, they'll have to know him. And to do that, they'll have to get to know the people around him. The police already know about Wendy. That's one procurer, but out of how many?

What kind of person would bring children to a child molester?

HOUSE_OVERSIGHT_019149

And—Reiter can't shake the idea—other victims had to be out there. That lined up with what Epstein's neighbor reported: there were *many* girls. He needed to find them as quickly as possible. It was a race against time.

As long as Epstein was free in Palm Beach, more girls were sure to arrive at the side of the house on El Brillo Way.

Alison: September 1

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The tip gets brought
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CHAPTER 12

Alison: September 11, 2005

It might start with the *Palm Beach Daily News,* which usually covers charity balls, equestrian events, and gallery openings. Reporters there would kill to sink their teeth into something so juicy. On top of that, Chief Reiter knows, Palm Beach is full of freelance paparazzi and seasoned semiretired journalists.

They'd kill for the story, too. For them, it'd be a real-life *Body Heat.*

Over at WPTV, the local NBC affiliate, the phone rings one day.

It's a tip from a kid, sounding nervous. Something about girls from a local high school.

There's a prostitution ring out in Palm Beach, says the boy.

The tip gets brought up in a midmorning meeting at which the producers divvy up ideas among the various reporters and newscasts.

HOUSE_OVERSIGHT_019151

"Where, exactly?" a producer asks.

"He didn't say, exactly," an intern replies. "He said that a very rich man was involved."

"Who?"

"Didn't say."

"Did he leave a call-back number?"

"No. The kid sounded really young. Fourteen, fifteen years old."

The producer thinks for a moment, makes a few scratches in his dog-eared notepad.

"Okay," he says. "I'm not sure what we can do with that for the moment."

At some point, some enterprising journalist will put enough pieces together to get a sense of the picture. Sooner or later, someone will talk. Maybe a parent. Maybe a cop's girlfriend gets giddy at lunch. The girlfriend's girlfriend mentions it to her husband, who says something to a golfing buddy in turn. Maybe the golfing buddy knows a reporter.

Or maybe some lawyer goes *off the rez,* blitzed off those martinis they serve at the Palm Beach Grill.

Sooner or later, there's always talk. At that point, Chief Reiter's job will get much, much harder—with Epstein on one side, the press on the other, and the chief taking flak from all sides. But right now, two months into Reiter's investigation, the press is still speaking in whispers.

Right now, Reiter wants to keep it that way.

And, in the meantime, new pieces of the puzzle keep falling into place.

* * *

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Recarey takes
(transcribed from
police), *D* stands
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* Alison's name, som

HOUSE_OVERSIGHT_019152

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pieces of the puzzle keep falling

* *

On September 11, a young woman named Alison gets pulled over by the police.* She's carrying a small amount of marijuana. The patrol officer handcuffs her and puts her in the back of his vehicle. But Alison's been in the back of a police car before, and she's cocky and canny enough to pivot the conversation away from the dime bag she's been busted with. She tells the officer a remarkable story about an older man engaging in sexual activities with high school girls. Alison knows about it firsthand, she says. She's been going to the house on El Brillo Way since she was sixteen.

At first the cop's skeptical. He hasn't heard about the investigation into Jeffrey Epstein's affairs. And, after all, Alison is a burnout. But back at the station, he finds out that Alison has not been bullshitting him.

The investigation is real.

Alison's name and cell phone number match up with messages that have been pulled from Epstein's trash. Instead of copping to a misdemeanor, she becomes another Jane Doe in the case that Chief Reiter's colleague, Detective Joe Recarey, is building against Jeffrey Epstein.

The story Alison ends up telling is extremely disturbing.

Like Mary, she says, she was recruited in high school. She tells cops that Epstein would call her his "number one girl"—although, she suspects, there were many others.

Recarey takes her statement. In the excerpts that follow (transcribed from a tape recording made by the Palm Beach police), *D* stands for "Detective Recarey," and *V* stands for "victim."

* Alison's name, some identifying details, and dialogue have been changed.

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D: Well, ah, start from, like, how you met him, and then I'll—I'll take you through.

V: Okay. Um, we [Alison and a female friend] worked at Hollister together in the Wellington Green mall, and I was mentioning to her how I wanted extra money to go to Maine . . . I wanted to go camping for the summer, and I couldn't afford a plane ticket. And—she goes, "Oh, well, you can get a plane ticket in two hours." I said, "What are you talking about?" Like, what are you—that didn't make any sense to me, a plane ticket in two hours; what are you talking about? And she goes, "Oh, we can go give this guy a massage, and, um, he'll pay two hundred dollars for, like, forty-five minutes or an hour." And that's all she told me—no details, no nothing.

. . .

She said that he wanted cute girls, so I looked cute, did my best. I didn't—I didn't think that it was what it was. I wasn't naive enough to think that he was gonna pay me two hundred dollars just for nothing—I, I don't know, like, I don't know what was going through my head. I absolutely don't know. And I—the back of my mind was thinking, oh, well, it could be legitimate, but I was also thinking, you know, at the same time, is she fucking crazy? Like, this guy's not gonna pay you money for not doing anything, not letting him cop a feel or nothing. You know? So I didn't know what to think, I was like, "Oh . . . if he does something that I have a problem with, then I'll leave."

. . .

D: Who were you introduced to?

V: One of his girlfriends. One of his, like, slaves that he has live with him. And when I say "slaves," like, one of the girls that

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HOUSE_OVERSIGHT_019154

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he bought to, like, have sex with him. Um, I was introduced to one of them probably, like . . . Sarah. I was introduced to Sarah. Um, that's his assistant, I think. I think they have sex, but I don't know. Um, I was introduced to his assistant Sarah, and she's the one who told me that he would be ready in a second. And from there I met various other girls. I don't really—I didn't pay attention to who they were, though. . . . So . . . we were waiting on the couch in the bathroom, and, um, Jeffrey comes up, and he's like, "Hey, I'm—I'm Jeffrey." He just introduced himself, and he hands—I remember this 'cause I was pissed off that she got paid to bring me. Like, I was pissed off. He hands her a wad of hundred-dollar bills and says, "Thank you," and she says, "I'll wait for you downstairs," and I was like, "All right, I'll see you in a little while." And that's how I was brought to Jeffrey.

. . .

Um. Hold on—I'm remembering. I'm, like, picturing in my head. I wore a skirt. I remember specifically what I wore: I wore a skirt and just a regular T-shirt. And I was massaging his legs, and he asked me to take off my skirt. And I said—I think I said no at first. And he's like, "Come on, you're not showing"—he talked me into it, basically. He's like, "Oh, you're not showing anything," or [he] did something; I don't even know. So I ended up taking off my skirt, and then he goes—well, I think he just started touching, you know, the top of me. So—and then he asked me.

D: When you're saying "the top of you," you mean your breasts?

V: Yeah. And then he asked me to take off my shirt. So I took off my shirt, but I kept my underwear on. And I wouldn't take

HOUSE_OVERSIGHT_019155

my underwear off: I told him no. And he still paid me the same amount. And that was that. I went home.

...

D: So, in other words, he—

V: Finished with himself and that was it. Yeah, he ejaculated. Specifically.

D: That was the first time you went there?

V: Mm-hmm.

D: And—I know, take a deep breath, I know, I can see it in your eyes already. From then on, you went there multiple times?

V: I had problems with it. [With] what happened the first time. But three hundred dollars for forty minutes—that was a lot for a sixteen-year-old girl making six bucks an hour.

D: So you're saying you're sure you were sixteen now?

V: Um, I don't want to say I'm sure of my age. I was under seventeen, one hundred percent.

...

D: Okay. Um, when you—the first time you went, when he masturbated, did you see?

V: [giggles]

D: His member?

V: Oh, I thought you were going to ask me if I saw, like, his come.

D: No.

V: I saw all of the above.

D: You saw him naked, fully naked? Fully naked?

V: Yeah, a hundred percent naked. He had a towel on for some of it, but that doesn't mean anything. Like, he was naked.

D: He took off the towel?

V: I saw everything, yeah.

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D: The next time you
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I mean, I'm sorry, he is circumcised, my bad. He's circumcised, a hundred and ten percent sure. A matter of fact, he has some sort of birth defect. On his thing. I don't know what it is [giggles]; I've never really looked at it, because I've never done anything where I had to touch it. I've never touched it—out of the whole time I worked for him, I never touched his penis. Like, he—I'm pretty sure he rubbed it against me, but I've never ever been, like, "Okay, I'm letting you do this" or "I'm gonna do this to you." Um, it's really weirdly shaped. I don't know—do you want me to, like, tell you this?

...

I'm just really embarrassed. Um, it's like a teardrop, like a drop of water. It's really fat at the bottom and skinny at the top, where it's attached. And he never gets fully hard, ever. Like, I just could tell by looking at it—like, by looking you can obviously tell if you're hard or not, and I could tell that he wasn't.

...

D: The next time you went, or as you continued to go, did it escalate more?

V. Mm-hmm. I actually—I don't remember how long it took for me to start working for him regularly, from the first time I went there. But I started working every day. Every single day he was in the country I would be there...And, um, I told him that I wouldn't let him put anything inside of me; that was my rule. Nothing inside of me—no fingers, no, no nothing, absolutely nothing inside of me. He increased my pay to three or four hundred dollars as long as he could touch me. Um, I still never—I, I swear I never touched him, the whole entire time I never, ever touched him. Um, but he, he—

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D: How many times would you say you went?

V: Hundreds. Hundreds. I was—he used to tell me I was his favorite. He bought me a car. He bought me—

D: This Jeep that you're driving?

V: No. I had a brand-new Dodge Neon. I got a plane—I got a plane ticket to New York; I got spending money whenever I wanted. Like, I was in there deep. I was—he asked my parents to emancipate me so I could live with him. Or he didn't ask my parents, he asked me to ask my parents, I'm sorry. He actually wanted me to come live with him.

D: As, like, a girlfriend?

V: Sex slave, whatever you want to call it. Yeah. Um, but it escalated—he, he just increased my pay, as long as he could touch me. I wouldn't let him put anything inside of me. And then one day he just did, one day he just put his hand, like, his fingers—and, um...

D: How long, would you say, from the very first time you went?

V: Months. Honestly, I never kept track, like, of, of what happened when. I just can tell you in which order things progressed.

...

It was—it was, like, towards the middle and end of my school year. But I remember that for the last, like, six or eight weeks of high school, I didn't have a car 'cause I gave it back to him. Because he—he asked me to have sex with him and, like, like suck him and stuff [giggles], and I was just like, no. Definitely not. I was like, "I'll let you touch me, but I'm not gonna do that."

...

Yeah, the car was a Dodge Neon 2005. He got it for me before the New Year, because I remember I got it—it was an edition

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D: Okay. Let me bring

V: Sure.

D: When did things st
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V: They escalated whe
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D: Okay. The first time

V: Are you asking for a

D: Oh, no, no, no—

HOUSE_OVERSIGHT_019158

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that was a year before they were supposed to come out. So if I got it, I obviously didn't get a 2006, 'cause that's this year. I got a 2005 Neon in 2004. Seven miles on it when I got it. The car was awesome [giggles].

. . .

I gave it back before I graduated. It got too—it got too sticky for me. He wanted more than I was willing to give. I didn't wanna—I didn't want to, um, suck his dick. I didn't want to have sex with him. I never did that, and I wanted to be able to walk away from this saying that I—saying that I never did that. And I'm glad that I did.

. . .

But I lied to him when I gave it back. I didn't want to burn my bridges, because he was a spectacular connection to have. Spectacular. Even if I didn't—even when I didn't work for him. Until this day, he is so aw—he is so—I haven't talked to him in, like, a couple months, but if I called him today he would give me as much money as I asked him for. He doesn't know that I hate him the way I do. I kept that connection. I figured he used me, I'd be able to use him. Um, I hate to say that, but I figured if I wanted to use him I could.

D: Okay. Let me bring you back a little bit.

V: Sure.

D: When did things start to escalate as far as things happening when the massages were given?

V: They escalated whenever he wanted. I don't clearly understand the question.

D: Okay. The first time you went, you were naked—

V: Are you asking for a date?

D: Oh, no, no, no—

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V: ...and the little steps that things progressed?

D: Right.

V: Well, I went and I wouldn't take off my panties at first. And then he got me to get naked. Then he got me to let him rub me. Then he got me to let him stick his fingers in me. Then he got me to let him go down on me. Then, um—that was pretty much the gist of it, except this one time, where he bent me over the table and put himself in me. Without my permission. And I flipped out. I'm sorry, I didn't ask you, but I don't count that as me having sex with him.... 'Cause I just told you that I never had sex with him. I never did. Even though, I don't know what you'd consider that. But he then—I go, "What are you doing?" He goes, "Oh, I just wanted [redacted] to see this."

D: Okay. Let me back you up. When you were completely naked, the same things happened? You went in, you massaged him?

V: Sometimes I didn't even do that. Sometimes he just asked me to take off my clothes and—he'd have to do work, he'd be sitting at his desk or something, and I'd just be naked there, watching television or reading a book, but I'd be naked. Or, um, sometimes he wanted to just watch TV or read, and he'd lay in his bed and ask me to take my clothes off and lay with him. And that's it. Not touch him or anything.... Sometimes he'd just invite me over for breakfast, for dinner, or just to use the swimming pool, and I'd get paid for that, too. I'd get paid just to hang out with him. That's it. And if the money wasn't there, I wouldn't have ever been in that house.

D: Okay. When he started to touch you—

V: I have a question. Before I say anything else. Um, is there a possibility that I'm gonna have to go to court or anything? Like, that's a possibility, right?

D: Well, here's the thin
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V: Would you consider
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D: If he put himself insi

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V: 'Cause Jeffrey's gonna
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V: Well—

D: Why do you say you're
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V: Well, I've heard him m
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D: You're gonna die? You'

V: All the above! But that

D: Who's he talking to?

HOUSE_OVERSIGHT_019160

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D: Well, here's the thing: When this is all said and done, we're going to sit down, we're going to discuss this. I mean, what he did to you is a crime. I'm not gonna lie to you.

V: Would you consider it rape? Like, would you consider that to be rape, what he did?

D: If he put himself inside you, without permission—

V: I didn't say that, or anything. I was standing up and the table is about, like, my hip length—he just put me down—

D: That, that is a crime. That is a crime.

V: I don't want my family to find out about this. My family doesn't know any of this. My mom thinks I was his secretary, for two years, or however long—a year and a half. My mom thinks I made phone calls for him and that's how I was making my [unintelligible] money. That's it. I don't want her to know anything.

D: Well, you're an adult. You're an adult now. . . . When we're done with this interview, we'll discuss this further and we'll decide the best course.

V: 'Cause Jeffrey's gonna get me. You guys realize that, right? He's gonna find—he's gonna figure this out. And he's gonna—I'm not safe now. You understand that, right? I'm not safe.

D: He is not this person that he is portraying himself to be—

V: Well—

D: Why do you say you're not safe? Has he said he's hurt people before?

V: Well, I've heard him make threats to people on the telephone, yeah. Of course.

D: You're gonna die? You're gonna break your legs? Or—

V: All the above! But that's not the point.

D: Who's he talking to?

HOUSE_OVERSIGHT_019161

V: I don't know. I don't know, I heard those conversations, I mean, I've been in the room when he was on the phone and [unintelligible] threatened. Like, I witnessed lots of things. I just don't know what, specifically, you all [want to know].

D: Everything.

V: I used to go there every day, like I w—I don't, I don't know how many other girls he was saying, "You're my favorite, and I want you to live with me" to, but I was in about as deep as you can get.

D: He had quite a few girls he would say that to.

. . .

D: Do you have any formal massage training?

V: [Giggles.] Hell, no.

D: All right, I was just asking.

. . .

V: He would kiss me and stuff, too. I remember that. And when he kissed me, if he was jerking off he would, like, rub himself on my breasts. And I . . . I was extremely uncomfortable. I would maneuver myself away from that activity. I'd get up and I'd move somewhere else, or I'd—I don't even remember. I would stop whatever was going on without saying, "Can you get the fuck off me?" I would stop it without saying stuff like that.

D: Okay.

. . .

V: I wouldn't let him put anything in me until one day he did just out of nowhere. And I said, "Wait a second: my boyfriend, you know, we had this thing, you can't do that. You know, I'm—I'm allowed to work here as long as you don't do that." And he said "okay." Well, a couple months later I guess he

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assumed me and my boyfriend had broken up, and he just did it one day; he just did it without asking or anything. And then I said, "What are you doing?" I said, "You know that's not cool," and he goes, "Oh, I thought we did that last time." And I said, "No, we did not do that last time." And then he goes—uh, and then he just offered me more money. He's like, "Well, why don't I just give you something extra, and we can try this out?" And I was like [sigh], "All right." Very hard guy to say no to. I don't know if any of you guys ever talked to him. . . .

. . .

Oh, yeah. Well, if you talk to him, I mean, he straight up tries to control the situation. Every—every word that comes out of your mouth, it seems like, he knows what you are going to say. Like, that's his job; that's how he made his money is knowing what people are gonna say and what people are gonna do.

D: What did he tell you he does for a living?

V: Well, there's a couple of things. Things that I found for myself, things I looked up on the Internet. What he specifically told me when I asked him the first time was, "Oh, I'm a brain scientist." And I said, "What the fuck is a brain scientist?" I was like, "That's not a real job—tell me the truth." But anyway . . . his explanation was, "It's my job to know how people's brains work." And I said, "Whatever the fuck that means. Whatever. You're like some old guy who [unintelligible. . . .]" You know what he promised me? Here's the reason I held on so long is, he promised me that I would get into NYU. That I would get into NYU and he would pay for it. And I waited, and I waited, and I scored great on my SATs, I would get 4.0—like, I did great in school. I filled out my application

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and he told me that it wasn't good enough. So I filled it out again, and it was like three times. So I'm pretty sure he wasn't checking into it, he was just telling me that he was. But I think that had a lot to do with the reason I stayed there so long, 'cause my dream was right in front of me, you know? And it's so far....

D: Aside from having been with [redacted], was there anybody else that you brought to the house?

V: I brought a few people....Because it got out that I did this. Like, everyone at school knew. You know, everyone talks—

D: It was a circle, and—

V: It was a little circle, yeah....Not that I would want anybody to get involved....I brought girls I didn't like and, frankly, did not give a shit about. Girls that I knew were skanks. That would do anything. Girls that would just, like, suck dick in the bathroom at school. Like, not even people I was friends with. I'd just hear a rumor about a girl and be like, "Hey, I know a way you can make two hundred dollars. How about..." I would tell them flat out, like, "This is what you've got to do. Are you cool with this? 'Cause I'm not gonna take you if you're not." So I told them. They all know that I got paid to bring them. It was actually [redacted]. She took off her shirt. She was a little overweight, so he didn't want anything to do [with her]. She was my best friend. But, you know, she was another story. I did care about her. But, um, she lost her house and stuff and really needed money. She had—she was homeless, she had nowhere to go. So she did it out of desperation.

...

D: Did he ever hurt you?

V: Sometimes he got vic

D: Violent as in what? A

V: He pulled my hair
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D: This is getting real pe

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D: Okay.

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ɜood enough. So I filled it out
es. So I'm pretty sure he wasn't
telling me that he was. But I
h the reason I stayed there so
ght in front of me, you know?

[redacted], was there anybody
ɔuse?
:ause it got out that I did this.
/. You know, everyone talks—

Not that I would want anybody
girls I didn't like and, frankly,
s that I knew were skanks. That
at would just, like, suck dick in
ɛ, not even people I was friends
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lat out, like, "This is what you've
ı this? 'Cause I'm not gonna take
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/erweight, so he didn't want any-
ıe was my best friend. But, you
ty. I did care about her. But, um,
ff and really needed money. She
ıe had nowhere to go. So she did it

V: Sometimes he got violent, yeah.

D: Violent as in what? As in—

V: He pulled my hair a lot harder than it should have been pulled. Like, he—okay, I can understand having sex, and you're all, like, not—not that we were having sex, but I mean, like, if you're all into it and you pull hair a little bit, like, my ponytails—just like a little bit, whatever. But he would pull it to where it would rip my hair out. It would rip my hair, and then sometimes he would pick me up and, like, throw me whichever way he wanted me, and then he would just like use a toy or, like, his hand or whatever. Never his penis, though, ever. I never had sex with him. But um—I'm little, so he could pick me up. Like, if you pick me up and throw, obviously it's gonna hurt. . . .

. . .

I mean, there's been nights that I walked out of there barely able to walk, um, from him being so rough. But nothing really—nothing specific that he really got violent with. Like, I can't really recall.

. . .

Nothing that I went to the doctor for, no. I mean, I remember getting tore up a few times, but it was nothing that—

. . .

D: This is getting real personal, but were you active before him?

V: What, like, had I had sex? Yeah [laughs].

D: Okay.

V: Um. But honest, I mean, I'm not—I'm not a ho. I've had only three steady boyfriends, and those are the only three that I've ever done anything with. And they were all with me for over a year. So it's not like I just go and hook up at parties.

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. . .

Like, I've gotten thousands of dollars' worth of shit. Man, the underwear I'm wearing right now he gave me. Like, I'd—I'd go over there and there'd be a bag of Victoria's Secret underwear, like, waiting for me, like, talking, like, fifteen hundred dollars' worth of stuff. I got a plane ticket from him once. I got a car, I got Christmas bonuses, I got movie tickets. Like, he'd buy me movie tickets—like, he'd say, "Hey, have you gone to the movies lately?" I'd be like, "I dunno, oh—not really," [and] he goes, "Do you want to go?" He'd give me, like, eight movie tickets. I got show tickets; I went and saw, like, David Copperfield. I had, like, VIP tickets or something like that.

. . .

I need to show you, like, what I'm talking about, like, the positioning that we were—it was like, okay, here's the thing: there's the, like, little flower thing, then here's the massage table. I was right here, he was right here, [and] she was here. Um. And I was standing up, and he just pushed me over the table, and he did his thing with me.

D: Okay. Were you facing the table? Were you?

V: I was. I was facedown on the table. Like, facedown, hands, like, on my head, holding—I don't, I don't mean—I wasn't fighting, really. So I don't know if he was holding me down to kinda stop me from fighting or what he was doing. He's just a really weird—he's into really weird stuff. Like, I was just bent over, and my face was on the table. I was facedown on the table. And then he did his thing. So. But anyway, [redacted] was right here, and I'm pretty sure she was naked, and the couch is, like, right behind, but, um, that's how it happened. . . . He was

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only in me for, like, a minute or two. I don't even know if you could say that long. He put it in, did a couple of pumps, or whatever the fuck you wanna call it, and I was like, "What are you doing?" [giggles] I go, "What are you doing?" He's like, "Oh, I just wanted [redacted] to see this." Then that was that.

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CHAPTER 13

Wendy Dobbs: October 3, 2005

Every chance he gets—and he gets lots of chances—Chief Reiter drills the same thing into his investigators' heads: they need to be careful. Patient. Methodical. Strategic. Or Epstein's lawyers will eat them for lunch.

Inch by inch, they move their case toward the goalpost. But in October, Detective Recarey and his coworkers catch a break that moves the ball several yards down the field.

On the first Monday of that month, they pick Wendy up at her house and, down at the police station, she starts to sing—like a bird.

The detectives can hardly believe it or get it all down fast enough. Later on, in a probable-cause affidavit, Detective Recarey will write:

> *Approximately two years ago, just after she turned 17 years of age, [Wendy] was approached by a friend named Molly at*

the Canopy Beach
asked if she wanted
have to provide a m
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Molly (Unknowr
name) picked [Dobb
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upstairs to the main
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He removed the
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massage oil for [Dobb

"He tried to touch m

I asked how he tried t
grabbed her buttocks

"I'll massage you," D
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[Dobbs] stated she per
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CHAPTER 13

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ng into his investigators' heads:
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eir case toward the goalpost. But
and his coworkers catch a break
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month, they pick Wendy up at her
ıtion, she starts to sing—like a bird.
believe it or get it all down fast
-cause affidavit, Detective Recarey

;o, just after she turned 17 years
ched by a friend named Molly at

the Canopy Beach Resort in Riviera Beach. [Dobbs] was asked if she wanted to make money. She was told she would have to provide a massage and should make $200. [Dobbs] thought about the offer and agreed to meet with Jeffrey.

Molly (Unknown last name) and Tony (Unknown last name) picked [Dobbs] up and she was taken to Epstein's house. Upon her arrival to the house she was introduced to Epstein in the kitchen of the house. She was also introduced to a white female known to her as Sarah. She was led upstairs to the main bedroom known to her as Jeff Epstein's bedroom.

Sarah arranged the massage table and covered the table with a sheet. She brought out the massage oils and laid them next to the massage bed. Sarah then left the room and informed [Dobbs] Jeff would be in, in a minute. Jeff entered the bedroom wearing only a towel.

He removed the towel and laid nude on the massage table. He laid on the table onto his stomach and picked a massage oil for [Dobbs] to rub on him.

"He tried to touch me, and I stopped him," says Dobbs.

I asked how he tried to touch her. [Dobbs] stated that Epstein grabbed her buttocks and she felt uncomfortable.

"I'll massage you," Dobbs had told Epstein. "But I don't want to be touched."

[Dobbs] stated she performed the massage naked. At the conclusion of the massage, Epstein paid [Dobbs] $200.

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After the massage Epstein stated to [Dobbs] that he understood she was not comfortable, but he would pay her if she brought over some girls. He told her the younger the better. [Dobbs] stated she once tried to bring a 23-year-old female and Epstein stated that the female was too old. [Dobbs] stated that in total she only remembers six girls that she brought to see Epstein. Each time she was paid $200. [Dobbs] said at the time she brought these girls to Epstein's house they were all 14 through 16 [years] of age.

Wendy Dobbs keeps talking. What she says about Mary's visit lines up neatly with what Mary's already told the police. Wendy's own experience with Epstein syncs up, too. But Wendy's not a victim, as Mary is. After all, she's been playing on Epstein's team. Team *predator.*

A police sergeant enters the room. What he wants to know is, does Wendy realize that she's implicated herself in Epstein's crimes?

Beads of sweat form on Wendy's forehead, and now the police know they've really got her. She gives them phone numbers to go with the young girls she's named. She provides addresses. But no, Wendy doesn't quite get it. On the way home, in a police car, she brags in the backseat:

"I'm like a Heidi Fleiss," she tells the escorting officers.

Wendy Dobbs, inter
Sergeant Frick, Octo
video (excerpts)

RECAREY: Okay. Your
of all, I know you're
Okay? I want to thar
door's closed, you're
you know, it's only c
DOBBS: That's fine.
RECAREY: I understan
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DOBBS: And I don't neec

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On the way home, in a police car,

e tells the escorting officers.

CHAPTER 14

Wendy Dobbs, interview with Detective Recarey and Sergeant Frick, October 3, 2005, transcribed from video (excerpts)

RECAREY: Okay. Your Pepsi's coming, my Pepsi's coming. First of all, I know you're freaking out. Don't freak out, just relax. Okay? I want to thank you for coming. All right? Though the door's closed, you're free to go at any time. You're not here—you know, it's only closed for our privacy.

DOBBS: That's fine.

RECAREY: I understand that you may have information on a case that we're looking into, okay? That's the reason why I brought you here today. All right? And again, you're here voluntarily. You agreed to come back with us and talk to us. But I do want to talk you about Jeff Epstein, and the whole... thing.

DOBBS: And I don't need a lawyer, right?

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RECAREY: It's up to you. If you wanted one, you can have one. I can't tell you yes or no on that. That's totally [up] to you, I'm only—

DOBBS: I'm not gonna get in trouble for anything I say, right?

RECAREY: Right now, you're just a witness. I'm talking to you as a witness.... That's totally up to you. You wanna talk to me?

DOBBS: I have no problem telling you everything I know. I'm a very cooperative person.

RECAREY: Okay. How did you first meet, um—

DOBBS: I first met Jeffrey—I was at a beach resort on Singer Island, and I was approached by this girl I went to school with. Her name was [redacted]. And she was asking me, you know, "Oh, you need extra money, I know this guy...." I thought about it and I finally gave her a call, and her and her friend [redacted] met up with me. I actually picked them up and we drove down to Jeffrey's house. She introduced me, whatever.

RECAREY: Okay. Now, what [do] you mean by making money, how do you make money with Jeffrey?

DOBBS: Um, there's two ways. There's two ways you can make money. He'll, all right—

RECAREY: That's all right. Talk to me. Talk to me like, like nothin'.

DOBBS: How do I say—this is going to sound really sleazy, but—

RECAREY: No. Go ahead. Talk to me.

DOBBS: Every girl that meets Jeffrey starts off with giving him a massage. The more you do with him, the more you make. Basically, if you take off your clothes, you're gonna make more. If you let him do things to you, you're gonna make more.

RECAREY: Like "do things" you mean, touch you?

DOBBS: Yeah. Touch yo

RECAREY: Okay. Does

DOBBS: He uses his hand
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RECAREY: Just to bring

DOBBS: Yeah. Just to bri

RECAREY: Okay. And t
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DOBBS: She knew every
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RECAREY: Okay. What di

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you mean, touch you?

DOBBS: Yeah. Touch you in inappropriate places.

RECAREY: Okay. Does he use his hand? Does he—

DOBBS: He uses his hands and, I really wouldn't call it a vibrator—I guess it's like a massager? But um—I was one of the girls that refused to do that. I did it basically my—I did it naked, but I wouldn't let him touch me or anything like that. So after that he's like, "You know what?" He's like, "Listen, I'll pay you $200 for every girl that you bring to me." He's like, "I don't want you to massage me anymore, you know, just bring girls to me...." So that's the other way you can make money. For every girl that you bring to the table—so, for every girl that I brought to Jeffrey—I would make $200. Flat. Just right there.

RECAREY: Just to bring a girl.

DOBBS: Yeah. Just to bring a girl.

RECAREY: Okay. And the girl that was going knew that she would have to massage him.

DOBBS: She knew everything. She knew everything. That was one of Jeffrey's rules. He had a problem with girls coming to the house that didn't know what they were getting into. He would tell me, you know, "Make sure these girls know what I expect, make sure they know what they want, because when I get in that room I don't want them to—you know—they need to know." And, as far as [redacted]'s case, she knew everything she was getting herself into. It was all volunteer.

RECAREY: Okay. What did you tell her that she was gonna do?

DOBBS: I told her the same thing. I told her, you know, this guy Jeffrey—she came to me saying she needed money, da da da. I basically told her about it. She was like, um, you know, "What do you have to do?" I told her. I was like, "The more

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you do, the more you make. That's it. In order to make money, you're gonna have to go up there. You're gonna take your clothes off. But the more you do, is the more you make." She walked out of there with $300. So she obviously and evidently let him do a little more. Plus, on our way home, she kinda told me what she did.

RECAREY: Which was? Give the massage. . . .

DOBBS: She gave the massage, and she basically let him, like, touch her, down there. Basically.

RECAREY: Did he touch her with his hands?

DOBBS: All with his hands. And then he brought out the massager. From what she told me.

. . .

RECAREY: How old were you when you were approached to see Jeffrey?

DOBBS: Um, I think I was seventeen?

RECAREY: Seventeen.

DOBBS: Sixteen or seventeen.

RECAREY: Okay. When was the last time you talked to him?

DOBBS: It's been a while. I can honestly say it's probably been about close to a year. About a year. I actually stopped working for him.

RECAREY: Who was the last girl you brought over?

DOBBS: The last girl I brought over was [redacted]. . . .

RECAREY: Okay. You got paid two hundred bucks for taking her over?

DOBBS: Yes.

RECAREY: Okay. [Redacted] knew . . .

DOBBS: She knew everything.

RECAREY: That she'd have to massage him, and the more she did—

DOBBS: The more she'd

RECAREY: The more sh

DOBBS: Yeah.

RECAREY: So, she had i

DOBBS: Um, I don't kn

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RECAREY: A lot?

DOBBS: Um, let's see, th

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nassage him, and the more she did—

DOBBS: The more she'd make.

RECAREY: The more she got paid.

DOBBS: Yeah.

RECAREY: So, she had intercourse with him.

DOBBS: Um, I don't know about the intercourse. I heard different stories on that. I've never asked him "Oh, you know . . ." But when I was first introduced to him, my friend [redacted] who introduced me to him, told me that she knew a girl who slept with him and made $1,000. But from what his intern—or secretary—told me, is that he doesn't do that. He just plays around with them. So I heard two different stories.

. . .

RECAREY: So, when you went and you massaged him, nothing happened between you two.

DOBBS: Nothing. I wouldn't let him.

RECAREY: Okay. Did he become forceful? Did he get upset?

DOBBS: I wouldn't say he became upset. I think he was a little disappointed. But I'm not—I didn't care. I knew I was getting paid. I let him—I let him look, but I never let him touch. It was out of the question for him. And I think that's pretty much why he just, kind of down-promoted me? He was just kind of like, "You can bring girls." But as far as working, you know—

RECAREY: Okay. How many girls have you brought to him, aside from [redacted]?

DOBBS: Oh. Um. A lot.

RECAREY: A lot?

DOBBS: Um, let's see, there's [several redacted names]. . . .

RECAREY: And all these girls knew what they had to do?

DOBBS: Every one of them.

. . .

HOUSE_OVERSIGHT_019175

RECAREY: How long have you been working for him?

DOBBS: Um . . . I probably worked for him for a year.

RECAREY: Okay. And out of all these girls . . .

DOBBS: Those were all the girls I brought. But you have to remember, those girls brought other girls, too.

RECAREY: Oh, okay.

DOBBS: So it's like—it's like a train. It's like, I introduced him to all my friends, and then . . . it goes on and on, like that.

. . .

RECAREY: Okay. . . . [Redacted] being fourteen or fifteen at the time—I think [redacted] was fourteen when this happened—who else was underage? Out of all these?

DOBBS: Underage, what do you mean?

RECAREY: Under eighteen.

DOBBS: Under eighteen? All of 'em.

RECAREY: All of them?

DOBBS: All of them. . . .

RECAREY: Okay. Did Jeff know anybody's real true age? Or he didn't care.

DOBBS: I don't think he cared. He told me the younger the better.

RECAREY: The younger the better. All right.

DOBBS: Pretty much. That's how it worked. He didn't—let me just put it this way: I tried to bring him a woman who was twenty-three, and he didn't really like it.

RECAREY: Didn't go for it.

DOBBS: It's not that he didn't go for it. He just didn't care for it. And he likes the girls that [are] between the ages of, like, eighteen and twenty. . . . But some of them, I think, lie about their age. I know that when I started off young, I think he knew better [than] to believe me. I think he knew that I was

younger—like, sev
teen. Most of those
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RECAREY: Let's talk ab

DOBBS: Okay.

RECAREY: [Mary] at th

DOBBS: Mm-hmm.

RECAREY: Okay. She
she know you work

DOBBS: I told her.

RECAREY: You had tol

DOBBS: Mm-hmm.

RECAREY: Did you tell

DOBBS: She knew ever

RECAREY: Okay. So sh
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. . .

RECAREY: Let's talk about [Mary] for a minute.

DOBBS: Okay.

RECAREY: [Mary] at the time was dating your cousin, right?

DOBBS: Mm-hmm.

RECAREY: Okay. She told you she needed to make money. Did she know you worked for Jeffrey?

DOBBS: I told her.

RECAREY: You had told her you worked for Jeffrey.

DOBBS: Mm-hmm.

RECAREY: Did you tell her what it entailed? So she knew that?

DOBBS: She knew everything before she even agreed to it.

RECAREY: Okay. So she knew that there was going to have to be some kind of—

DOBBS: Contact. Pretty much. Yeah. I told her. I told her exactly what his expectations were. I told her what goes on with the girls that go up there. I told her—it was like, "It's your call." I was like, "If you want to do this, fine. If not, fine. But when you go in that room, I don't want to hear you say, 'Oh, I didn't know he was going to do all that.' Because I'm telling you right now, he's expecting it."

RECAREY: Basically, this is touching—

DOBBS: Fondling—

RECAREY: Fondling—

DOBBS: Or whatever. And I told her when she went on her own. Just like, "Just remember, the more you do, the more you make. But that's—that's up to you." And she asked me, and I brought up, told her *I* wouldn't do more.

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RECAREY: Okay. You made that clear, you wouldn't do more.

DOBBS: No. Screw that!

RECAREY: But as far as [Mary] is concerned. What did she tell you that happened in that room?

DOBBS: Exact words? If I can recall, when she came downstairs from—when she came downstairs, me and her and [redacted], we all walked out. We got into the car. And I was like, "How much did you make?" She's like, "Three hundred dollars." And I looked at [Mary] and I just knew right then she did more.

RECAREY: Than just a massage, right?

DOBBS: Yeah. And I asked her. I was like, "Well, what'd you do?" She's like, "Well, I started giving a massage, and then my clothes came off and, you know, he put his fingers inside me. And then he brought out the massager." And that's basically what she said.

. . .

RECAREY: It's all right. You can talk to me. It's all right.

DOBBS: It's kind of incredible talking about it, now that I—I can't believe I worked for him.

RECAREY: But it's okay. You know what, we all go through things in life, you know what I mean? It's an experience. And you can put this experience behind you.

. . .

Do girls that—people that you brought over—how did you approach them? That they were going to have to do this... Like, if they wanted to work, how did you approach them? Say, "Listen, I got this guy in Palm Beach?"

DOBBS: Um... Two of them were my friends. The others were, like, my acquaintances. It was a little more easier talking to them about it, 'cause, like, I knew them.

RECAREY: Take a de
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RECAREY: Straight u

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:lear, you wouldn't do more.

s concerned. What did she tell
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:all, when she came downstairs
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e, "Three hundred dollars." And I
:w right then she did more.
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ow, he put his fingers inside me.
: massager." And that's basically

ı talk to me. It's all right.
talking about it, now that I—I
m.
know what, we all go through
at I mean? It's an experience. And
: behind you.

you brought over—how did you
were going to have to do this...
rk, how did you approach them?
in Palm Beach?"
vere my friends. The others were,
was a little more easier talking to
I knew them.

RECAREY: Take a deep breath. Take a deep breath. 'Cause I can see you're working up again. You're working up the tears, I can see it, and I don't want to get you like that.

DOBBS: I, um, pretty much I just would ask them—

RECAREY: Straight up?

DOBBS: "If you're looking for extra money, let me know; this guy down in Palm Beach, he's really, really, really wealthy. You have to give him a massage." That's all I would tell them. Then, if they were interested or told me, "Yes, I want to do it," I'd go into detail with them before they'd actually agree. If they told me, "Yeah, that sounds good, I'm interested," then I'd tell them, "Okay, well I'm gonna let you know, this is what you have to do, this is what's gonna go on."

RECAREY: Did you tell them that you were going to make money from bringing them over? Or—

DOBBS: Most part? I believe they knew.... Most of the girls, we were open about that. We didn't—they pretty much knew I was making money under the table. So...

RECAREY: Okay. Gimme two seconds. Let me get the soda.... Gimme two seconds.

...

All right, I talked to my boss a little bit—

FRICK:—Which is why I'm here.

DOBBS: Okay.

FRICK: Obviously I was listening to what you were saying. And at this point you clearly implicated yourself on a crime, okay? You've taken girls to somebody's house for the purpose of prostitution. More importantly, more significantly, one of those girls was fourteen at the time, okay? Now that's a pretty significant second-degree felony, okay? I'm not going to kid

HOUSE_OVERSIGHT_019179

you, that is—it's a significant thing, okay? Now, you came in, you cooperated with us. The question we have for you now is, do you want to continue cooperating with us and try and help us make a case against Jeff?

DOBBS: I don't think that's really going to help me in the long run, though. I've already admitted to a second-degree felony, right?

FRICK: Yeah, you have.

DOBBS: Okay, so there you go. What's going to keep me out of trouble? It's not going to keep me out of trouble. I've already admitted committing a crime.

FRICK: I'm not going to argue with that. . . .

DOBBS: So basically I just fucked myself. I can go two ways. I can agree not to cooperate, which is going to put me at—well—now you can use the second-degree felony against me. Or you can help and work with it and maybe get myself some slack. . . .

FRICK: We're still talkin' here. What would the odds be of you contacting Jeff at this point? Have you had any contact with him at all?

DOBBS: I have not had any contact—

FRICK: How about with—

DOBBS: No, none of 'em. None of 'em. . . . I had a phone call about four or five months ago, and I told my parents. Look, I swear to you I'm not anywhere—like, no connection with him at all. That's why I pretty much got my number changed. I have not made any communication with him. It stopped.

FRICK: Okay. Well, I mean, that's good. That's good that you stopped. . . .

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RECAREY: With your

FRICK: Let me, let
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DOBBS: Not today.

FRICK: Well, you're—
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RECAREY: You sign it

FRICK: That's our pr
forthright with us,

RECAREY: Very truth

. . .

FRICK: Do you want
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HOUSE_OVERSIGHT_019180

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This is what we'd like to do: We would like to reach out to some of your ex-friends and [unintelligible] talk to them. Now, the question is, do we think that they are currently still working for Jeff, in which case they would make a phone call to Jeff? Or can we just kinda show up and, you know, have you make a call as we're standing outside and say: "Hey, you know, these guys wanna talk to you, and I've already told 'em everything?" Our goal is to make a better case against Jeff, all right?

RECAREY: With your cooperation.

FRICK: Let me, let me get back to—past—the cooperation thing, okay? There are lesser charges that can easily be filed: leading to the delinquency of a minor, as compared to a second-degree felony. You know what I mean? That's a misdemeanor....First of all, I'll tell you straight up, okay, we're not going to take you to jail today....

DOBBS: Not today.

FRICK: Well, you're—And here's the other thing: If you cooperate and if we can—If you cooperate, whether we pull it off or not—that's not up to you, that's up to us, okay? So what we would do is if we ended up charging you with like a misdemeanor, we'd give you a call, we'd say: "Hey, you gotta come in, you know."

RECAREY: You sign it....

FRICK: That's our preference. You come in, you've been very forthright with us, you've been very up front—

RECAREY: Very truthful.

...

FRICK: Do you want us to call your parents, or do you want to deal with it, or do you—As far as we're concerned you're an

HOUSE_OVERSIGHT_019181

adult, okay? You're nineteen. You do what you do. You know, we can drop you off at the end of the block if you'd like. Or we can cushion the blow beyond what—but again, you're helping us at this point. We've been pretty forthright with you on what is going on, our options for your future. And what we'd like you to do obviously is make a couple of calls with us this evening to talk to a couple of your, you know, these other girls.

DOBBS: I'm not really on a . . . Me and my parents really don't get along right now . . .

FRICK: So you'd prefer that—

DOBBS: If they found out that I was—If they found out that I was into some other stuff. . . . I'm actually stripping now. . . . So they're not exactly happy with me at the moment, and I don't want to do anything that's going to piss 'em off even furthermore.

Michael Reiter: Oc

Chief Reiter sifts
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Soon Reiter will as
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Later that day, De
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HOUSE_OVERSIGHT_019182

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CHAPTER 15

Michael Reiter: October 3, 2005

Chief Reiter sifts through the evidence: information about underage girls—six of them—whom Wendy Dobbs procured for Epstein. Phone numbers pulled from the trash on El Brillo. An arrest report for Alison, the girl who'd been caught with a dime bag of weed.

She'd told Detective Recarey about an encounter that sounded very much like a rape.

Soon Reiter will ask a judge for a warrant. But not yet. There's more footwork to do, and Reiter calls Detective Joe Recarey into his office.

Later that day, Detective Recarey and Sergeant George Frick arrive at the home of a girl named Jenny.* An older woman greets

* Jenny's, Francine's, and Kristina's names, some identifying details, and dialogue have been changed.

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them at the front door and invites them inside. She introduces them to her husband and daughter. Jenny is sixteen years old. Sitting down at the dining room table, they see that she's nervous. In between biting her lip and fidgeting, she tells them that yes, she's been to Jeffrey Epstein's house.

Wendy took her there once. But nothing much happened. She met Epstein's chef and spent some time in the kitchen is all. Then she left.

"I get what you're asking," she says. "But really, I just want to put the whole thing behind me."

"Okay," the officers tell her. "You have our numbers. But Jenny, if you remember anything else, you'll find that we're very good listeners."

One down. Five to go.

Detective Recarey and Detective Michael Dawson have better luck the next day with Francine, a girl who tells them that a year earlier, Wendy Dobbs—someone she knew from high school—drove her to the house on El Brillo Way.

Francine would have been seventeen at the time.

Now she's willing to make a sworn statement. The officers noted:

> *She was told she could make money working for Jeff. She was told she would have to provide a massage for Jeff. . . . She was brought to the kitchen area by [Dobbs]. They met with the house chef who was already in the Kitchen area. Francine stated [Wendy] would wait for her in the kitchen.*

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for her in the kitchen.

Just as she did with Mary, a woman named Sarah had taken Francine upstairs and into a bedroom. Then Epstein had entered the room, wearing only a towel.

She kept her clothes on during the massage. She advised sometime during the massage, Epstein grabbed her buttocks and pulled her close to him. Francine said she was [made] uncomfortable by the incident involving Jeff. At the conclusion of the massage she was paid $200.00 for the massage.

"Do you have any formal training in massages?" the officers ask.

"No," says Francine.

But she does have one more thing to tell them.

Sarah's been calling Francine's cell phone.

It could mean any number of things. The police know already that Epstein's caught wind of their investigation. Now it appears he's doing something about it, or at least he's delegating the responsibility. This troubles the cops. But then, on that same day, they get one more break: Jenny calls and says that without her parents around she's willing to make a sworn statement.

It turns out that Jenny's visited with Epstein several times.

And, it turns out, she'd done much more than sit in the kitchen. Without her parents around, she's much more willing to talk about it.

The first time she'd gone to the house on El Brillo Way, she says, Epstein had tried to take off her shirt. She'd become upset,

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and this had led to a fight—a "verbal disagreement"—with Epstein.

She'd left without getting paid. Gone down to the kitchen and told Wendy, "Let's go!"

"If you're uncomfortable," Wendy had told her, "tell him to stop, and he will."

On the other hand, Wendy had also told her, "The more you do, the more you get paid."

A few weeks later, she agreed to return to the house on El Brillo.

Once again Sarah had taken Jenny upstairs and into the master bedroom. Sarah had set up the massage table, laid out the oils that Jenny would use.

Then Epstein had entered the room wearing only a towel.

Jenny had been wearing tight jeans. She had a tight belt on. She kept the jeans on, though Epstein still made a grab for her buttocks. Then he rolled onto his back and grabbed for her breasts. Jenny became upset yet again. But this time, she was paid two hundred dollars before leaving. She never did go back to the house. But, like Francine, she has one more thing to tell the detectives.

Another girl from her high school had been there on the day of her second visit with Epstein. Kristina. And later, Kristina told Jenny that she also had "a problem" with Epstein.

Girls seemed to be turning up all the time. And the detectives were just getting started.

One girl leads Chief Reiter's team to another. And every time, they hear the same story. The girls are approached by Wendy

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HOUSE_OVERSIGHT_019186

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Dobbs. They drive over to Epstein's house. After a short wait in the kitchen—maybe some milk and cereal, if they feel hungry—they're walked upstairs. Epstein's there, waiting, wearing his towel. Sometimes with a vibrator. Sometimes the girls recommend their friends, and for this they receive a commission.

None of the girls comes from money. And none of them has been trained as a masseuse. Then again, how could they be? To become a licensed massage *apprentice* in Florida, you need to be eighteen years old, at least, and have a high school diploma or GED.

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CHAPTER 16

Cynthia: October 6, 2005

Three days after meeting with Francine, the police drive to Boca Raton. They're there to see Cynthia Selleck, who's eighteen years old.* But according to the probable-cause affidavit that the Palm Beach PD is preparing in order to obtain an arrest warrant for Epstein, Cynthia was sixteen when Wendy Dobbs first took her to meet him.

During a sworn taped statement, she tells the police that she'd met Wendy at her high school. She says that Wendy had recruited her and prepped her for her first visit to Epstein's house. And she says she'd ended up going to the house "a lot of times to provide massages over the past two years." The affidavit states:

* Cynthia Selleck's name, some identifying details, and dialogue have been changed.

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HOUSE_OVERSIGHT_019188

CHAPTER 16

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She considered Epstein a pervert, and he kept pushing to go further and further until [Cynthia] explained she would keep telling him she had a boyfriend.

Only recently, Cynthia says, did she begin to remove her clothes in the course of giving Epstein massages.

"Jeff would try to get away with more and more on each massage," she tells the cops.

Still, Sarah had Cynthia's cell phone number, and Sarah would call whenever Epstein was in Palm Beach to make an appointment for "work."

Each time she went, Sarah would meet her at the kitchen door area. She would bring her upstairs and prepare the massage table. [Cynthia] advised Epstein would ask her questions about herself. Epstein knew she was a soccer player and would be attending [a nearby] university.

The cops want to know: Did Epstein know her real age?

[Cynthia] stated Epstein did and didn't care. The most recent massage she provided was on October 1, 2005.

October 1.
That's less than a week ago.
What the cops know now is that Epstein's still at it.
What they're about to learn seals Epstein's fate.

HOUSE_OVERSIGHT_019189

CHAPTER 17

Alison: October 11, 2005

After speaking with Cynthia, Detectives Recarey and Dawson meet up, once again, with Alison. It's been exactly one month since her arrest, and once again, she's willing to talk. They have no trouble obtaining her sworn taped statement.

Alison is eighteen, but she's been going to Epstein's house since 2002. Things got off to a slow start, she says. She received two hundred dollars for her first session, during which she had her bra off but her underwear on. Still, at the end of the session, Epstein had asked for her number.

Then the sessions got heavier. Much heavier, as Detective Recarey already knew. *[Alison] stated that during her many visits a routine was established between her and Epstein,* he wrote in his report.

> *She would enter the house and get naked in the bedroom. She would then start with a back massage. Epstein would roll on*

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CHAPTER 17

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and get naked in the bedroom. She
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to his back and allow her to massage his chest area. [Alison] stated Epstein would then begin to masturbate himself and at the same time would insert his fingers in her vagina and masturbate her with his fingers.

[Alison] explained Epstein would continue this process until he ejaculated. He would then utilize a vibrator/massager on her vagina until [Alison] climaxed. [Alison] advised that during her frequent visits, Epstein asked for her real age, [and Alison] stated she was sixteen. Epstein advised her not to tell anyone her real age. [Alison] advised that things escalated within the home as Epstein would instruct and pay [Alison] to have intercourse with his female friend, Nada Marcinkova [sic]. [Alison] explained the intercourse included using strap on dildos, large rubber penis'[sic] and other devices that Epstein had at his disposal. Epstein would watch them have intercourse and masturbate himself. Occasionally, Epstein would then join in during the female on female intercourse and provide oral sex to both [Alison] and Marcinkova. This occurred during the time [Alison] was sixteen years of age.

[Alison] advised this continued to escalate during two years. The routine became familiar to [Alison]. Epstein's assistant Sarah would telephone her every time Epstein was in the Town of Palm Beach and would place appointments for her to visit and work for Epstein. Each time something new was introduced, additional monies were produced and offered for [Alison] to allow the acts to happen. [Alison] consented to perform all these acts but was adamant that there was an understanding with Epstein that no vaginal penetration would occur with his penis. [Alison] explained that

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Epstein's penis was deformed. [She] explained that his penis was oval shaped. [She] claimed when Epstein's penis was erect, it was thick toward the bottom but was thin and small toward the head portion. [She] called Epstein's penis "egg-shaped." [She] stated Epstein would photograph Marcinkova and her naked and having sex and proudly display the photographs within the home. [Alison] stated during one visit to Epstein's house in which she provided a massage to Epstein, his female friend, Nada [sic] Marcinkova, was also present. [Alison] provided the massage in which Marcinkova and her would fondle each other's breasts and kiss for Epstein to enjoy. Towards the end of this massage, Epstein grabbed [Alison] and turned her over onto her stomach on the massage table and forcibly inserted his penis into her vagina: [Alison] stated Epstein began to pump his penis in her vagina. [She] became upset over this. She said her head was being held against the table forcibly, as he continued to pump inside her. She screamed "No!" and Epstein stopped. She told him that she did not want to have his penis inside of her. Epstein did not ejaculate inside of her and apologized for his actions and subsequently paid her a thousand dollars for that visit. [Alison] stated she knows he still displays her photographs through out the house.

What happened to Mary had been bad enough. But what happened to Alison was on a whole other level. She'd been caught with some pot, sure. But that was hardly a felony offense. It didn't make her a liar. And, in important respects, Alison's statement had aligned with Mary's and with statements they'd been given

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by other girls, including Wendy Dobbs. Could Wendy be trusted? Probably not. Almost certainly not. But again, what *she* said was also in line with what the police had heard from other girls.

Detective Recarey and his team had done exceptional work on the investigation that Officer Pagan had started.

It was enough, Reiter decided, to cause a judge to issue a search warrant.

HOUSE_OVERSIGHT_019193

CHAPTER 18

Michael Reiter: October 2005

On October 20, Palm Beach police officers execute a search warrant, signed by Judge Laura Johnson, at Jeffrey Epstein's home on El Brillo Way. Inside the house, an employee is on the phone with Epstein. They ask him, politely, to hang up. Then, guns drawn, they walk up the winding stairs to the home's second story.

Detective Recarey remains outside and reads the warrant, out loud, to Epstein's houseman while another officer videotapes them.

"This is your copy," Recarey says as he hands over the warrant. "When we are concluded, I will leave a list of what items we've taken, okay? I would ask that you don't answer your telephone. I know that the gentleman was having a conversation with Mr. Epstein at the time. So I'm sure he's trying to call and find out what's going on. He will be told what was going on as soon as we're done. Okay?"

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CHAPTER 18

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Laura Johnson, at Jeffrey Epstein's
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Inside the house, detectives see the pink-and-green couch that Mary and other girls had described. They see photos of naked young girls—in some cases, girls they've spoken to about Epstein. They also find message pads on which are written first names, dates, and numbers for the girls.

Sometimes there are notes to go with the names and numbers: "I have girls for him." Or "I have 2 girls for him."

These notes are signed by one Sarah Kellen.

Epstein's house has a strangely antiseptic quality. Some of the bedrooms look almost like doctors' offices. In the bathroom off Epstein's bedroom, there's a massage table as well as stands holding strange machines, which looked like something you'd find in a dermatologist's office.

In a wood-colored armoire beside Epstein's bed, they see a bottle of peach-flavored Joy Jelly. In the bathroom, there are soaps shaped like penises and vaginas, bottles of Mango Mist, more Joy Jelly, and boxes of tampons.

The officers find stacks of UFC videos and DVDs of *Rock Star* and other B-list movies.

They also find receipts for books bought on Amazon, such as *SlaveCraft: Roadmaps for Erotic Servitude.*

On the first floor, detectives are drawn to two secret cameras hidden in clocks. On the computer hard drive, they see several photographs of Wendy and other girls. These images appear to come from the camera inside the clock behind Epstein's desk.

The officers know where the cameras are because they helped install them—in 2004, when Epstein complained that someone had stolen a gun and $2,700 from him. Detective Recarey had investigated that case. But before he could arrest Epstein's handyman, Juan Alessi, for the theft, Epstein contacted a captain in the

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Palm Beach PD and prevailed upon him to have the investigation called off.

Epstein had met Alessi at a luncheonette, he explained, and Alessi had agreed to pay back the money. At the time, it made no sense to prosecute: Epstein was a busy man. He was going to get his money. But he did invite the police into his home to install the cameras. This was a service that the Palm Beach PD provided (though Epstein would be the only one with access to the footage). But while they were there, the police had noticed a group of attractive young women who seemed to be camped out at the house.

The group included Sarah Kellen and Nadia Marcinkova.

None of the girls was a relative of Epstein—that fact had caught the cops' attention.

And now, as the search continues, the cops see photographs of the very same girls.

On Epstein's desk, the officers find Alison's high school transcript.

The thing is, the detectives can't shake the feeling that the Epstein house has been tidied up for their arrival. Shelves look as though they've been emptied, and several photographs appear to have been removed from the walls.

"[Judging] by the condition of the place to be searched," Chief Reiter will say in his deposition for *B.B. vs. Epstein*, "someone probably had cleaned it up a bit."

Maybe there's nothing *too* surprising about this. After all, Reiter's team knows that Epstein's gotten wind of their investigation. What is surprising is that for a house that's been scrubbed, there's so much left lying around.

In fact, the oddest thing about the search is that someone

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appears to have gone through the house, gotten rid of incriminating materials, but left *many* clues behind.

It was as if the things the police were seeing didn't even register as wrong.

There's another feeling the cops can't shake: the nagging sense that they themselves are being investigated and tailed.

First Reiter hears through the grapevine that Epstein's lawyers have hired private investigators to perform background checks.

A public-records demand has been filed in an effort to obtain Reiter's own records.

Detective Recarey tells Reiter that he, too, is being surveilled and that his trash has been picked through.

In his entire career as a police officer, this is the first time that Reiter's seen or heard of such a thing: a suspect investigating his investigators. But for the moment, he puts it aside. Recarey's doing great work on the investigation. He's deeply invested, and for good reason: the detective's got four kids of his own. Right now, more victims are coming out of the woodwork. And now that the warrant's been executed, there's no downside to interviewing Epstein's servants.

HOUSE_OVERSIGHT_019197

CHAPTER 19

Detective Recarey, Probable-Cause Affidavit: May 2006

On November 21, 2005 I interviewed Jose [sic] Alessi, a former houseman for Jeffrey Epstein. Alessi stated he was employed for eleven years with Mr. Epstein, from approximately 1993 through 2004. Alessi stated he was the house manager, driver and house maintenance person. It was his responsibility to prepare the house for Epstein's arrival. When asked about cooks or assistants, Alessi stated they traveled with Epstein on his private plane. I asked Mr. Alessi about the massages that have occurred at Epstein's home. Alessi stated Epstein receives three massages a day. Each masseuse that visited the house was different. Alessi stated that towards the end of his employment, the masseuses were younger and younger. When asked how young, Mr. Alessi stated they appeared to be sixteen or seventeen years of age

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CHAPTER 19

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at the most. The massages would occur in Epstein's bedroom or bathroom. He knew this because he often set up the massage tables. I asked if there were things going on other than a massage. Alessi stated that there were times towards the end of his employment that he would have to wash off a massager/vibrator and a long rubber penis, which were in the sink after the massage. Additionally, he stated the bed would almost always have to be made after the massage.

On January 4, 2006 I interviewed another former houseman, Mr. Alfredo Rodriguez. During a sworn taped statement, Mr. Rodriguez stated he was employed by Jeffrey Epstein for approximately six months, from November 2004 through May of 2005. His responsibilities as house manager included being the butler, chauffeur, chef, houseman [and to] run errands for Epstein and provide for Epstein's guests. I asked Rodriguez about masseuses coming to the house. Rodriguez stated Epstein would have two massages a day. Epstein would have one massage in the morning and one massage in the afternoon everyday he was in residence. Rodriguez stated he would be informed to expect someone and make them comfortable until either Sarah Kellen or Epstein would meet with them. Rodriguez stated once the masseuses would arrive, he would allow them entry into the kitchen area and offer them something to drink or eat. They would then be encountered by either Sarah Kellen or Epstein. They would be taken upstairs to provide the massage. I asked Rodriguez if any of the masseuses appeared young in age. Rodriguez stated the girls that would come appeared to be too young to be masseuses. He stated one time under Epstein's direction, he delivered a dozen roses to [Mary's high school]

HOUSE_OVERSIGHT_019199

for one of the girls that came to provide a massage. He knew the girls were still in high school and were of high school age. I asked Rodriguez about the massages. He felt there was a lot more going on than just massages.

He would often clean Mr. Epstein's bedroom after the alleged massages and would discover massagers/vibrators and sex toys scattered on the floor. He also said he would wipe down the vibrators and sex toys and put them away in an armoire. He described the armoire as a small wood armoire which was on the wall close to Epstein's bed. On one occasion Epstein ordered Rodriguez to go to the Dollar rent a car and rent a car for the same girl he brought the roses to, so that she could drive her self to Epstein's house without incident. Rodriguez said the girl always needed rides to and from the house.

Rodriguez produced a green folder which contained documents, and a note with Mr. Epstein's stationery with direction to deliver a bucket of roses to [Mary's] High School after [a] high school drama performance. . . .

During the course of the investigation, subpoenas were obtained for cell phone and home phone records from several victims and witnesses along with the cell phone records of Sarah Kellen. An analysis of these records was conducted which found numerous telephone calls were made between Sarah Kellen and the victims. These records indicate the dates the calls were made are consistent with the dates and times the victims/witnesses stated they were contacted. Specifically, the phone records showed Kellen called [Wendy Dobbs] during the exact times and dates when [name redacted] advised the incident occurred. Kellen also coordi-

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nated the encounters with [name redacted] during the time frame the girls stated they occurred.

Pursuant to a lawful subpoena I obtained Epstein's private plane records for 2005 from Jet Aviation. The plane records show arrival and departure of Epstein's plane at Palm Beach International airport. These records were compared to the cell phone records of Sarah Kellen. This comparison found that all the phone calls Kellen made to [Dobbs] and the victims were made in the days just prior to their arrival or during the time Epstein was in Palm Beach.

Therefore, as Jeffrey Epstein, who at the time of these incidents was fifty one years of age, did have vaginal intercourse either with his penis or digitally with [names redacted], who were minors at the time this occurred, there is sufficient probable cause to charge Jeffrey Epstein with four counts of Unlawful Sexual Activity with a Minor, in violation of Florida State Statute 794.05(1), a second degree felony. As Epstein, who at the time of the incident was fifty two years of age, did use a vibrator on the external vaginal area of [name redacted], a fourteen year old minor, there is sufficient probable cause to charge him with Lewd and Lascivious Molestation, in violation of Florida State Statute 800.04 (5), a second degree felony.

HOUSE_OVERSIGHT_019201

PART II

The Man

From: Lisa New [redacted]
Sent: 12/19/2016 4:36:41 AM
To: Jeffrey Epstein [jeevacation@gmail.com]
CC: Leah Reis-Dennis [redacted]
Subject: Thank You from Lisa and Poetry in America

Importance: High

Dear
Jeffrey
(*and please see note at bottom*),

This end-of-the-year letter is to catch you up on developments and to report progress made in 2016 by *Poetry in America,* by its associated non-profit production company, Verse Video Education, and by (and with) our new Harvard partner, the Derek Bok Center for Teaching and Learning. Whether you are a longstanding adviser and supporter of *Poetry in America*, or you've more recently joined our circle of proponents, your contributions, thought partnership and enthusiasm have made this year's successes possible.

Last fall, I knew this would be a crucial year. Goals for 2016 included moving our co-produced television series, *Poetry in America,* toward a concrete release date (now entering post-production, we launch nationwide in April 2018), converting our six HarvardX MOOC modules into for-credit courses (now complete and being offered by Harvard's Division of Continuing Education), and getting the word out on our first course developed especially for K-12 educators, *Poetry in America for Teachers: The City from Whitman to Hip Hop*. With a mission of creating and distributing the highest-quality humanities content for a wide variety of learners, our projects now rely on a salaried production staff of five, a rotating corps of part timers and contractors, and a growing cohort of Harvard graduate students, undergraduates and interns whom we train in the public-facing humanities. Growing fast, in 2016 we more firmly established Verse Video Education as a nimble and stable producer of humanities-based content (now including an archive of over 120 separate interviews with distinguished discussants), while also defining a forward-looking partnership and growth strategy with Harvard. As 2016 draws to a close, I have much progress to report.

Verse Video Education: Independent 501c3
In April 2016, Verse Video Education, the fledgling production company I'd founded in 2014, received IRS approval and became a 501c3. Now capable of accepting philanthropic contributions, Verse Video Education has also begun to generate revenue by producing high-quality educational media for other institutions. Clients within our first year included Greenwich Country Day School, YIVO Institute for Jewish Research, Schlesinger Library, Harvard Institute for Global Health, and Project Zero. While philanthropic donations remain essential, work for clients allows us to amplify the impact of philanthropic donations, not only permitting additional investment in our flagship partnerships with WGBH and Harvard, but also fostering development of new partnerships and projects. These include a video series on poetry and science now running with award-winning magazine *Nautilus*, a collaboration with distinguished poet Robert Pinsky and his Favorite Poem Project, and an expansion of our poetry film series with partners at The Nantucket Project. Advised by a stellar and diversely talented board, Verse Video Education is looking toward sustainability. We are now discussing distribution of new content with a variety of stakeholders, including media providers in China.

New Harvard Partner: Bok Center for Teaching and Learning
Meanwhile, *Poetry in America* has deepened its partnership and formulated a plan for growth going forward at Harvard. This fall, Harvard's Dean of the Faculty of Arts and Sciences, Mike Smith,

endorsed the integration and expansion of my public-facing humanities work within the Derek Bok Center for Teaching and Learning. As a Bok Fellow this year, and alongside Bok director Rob Lue in the years to come, I will be working to substantially expand Bok's capacity and resources to train humanists in 21st-century methods of public engagement-- developing courses, digital fellowship opportunities and also securing distribution outlets and partners for content produced in Bok by Harvard humanists. By next year at this time, I will be turning some of my attention beyond poetry (my favorite, but hardly the only humanistic mode of communication!) to create a wider base of humanities materials for use in American schools and other institutions. We will begin integrating and anchoring *Poetry in America* content (on art, sport and play; on the environment; and on health and well being) with content created by others. As I continue to experiment with use of digital media within my residential courses for undergraduates and graduates, I shall also be working with other faculty and graduate students. My work at Bok will also facilitate collaborations between humanists working across the whole university. Projects for 2017 include work with HarvardX on drama and Shakespeare, with Harvard's Center for the Environment, with the Arts and Humanities Initiative at Harvard Medical School, and with several programs within Harvard's Graduate School of Education.

Launching in 2017: Our First Course Designed Specifically for Teachers
Verse Video Education has allocated much of its staff time this year to bringing its first course designed specifically to support the American secondary classroom to completion. *Poetry in America for Teachers: The City from Whitman to Hip Hop* draws on assets created at HarvardX, along with footage captured with our TV partners and independently by Verse Video Education. The resulting course, designed for English, Social Studies, and Arts teachers, as well as for librarians, administrators and others, provides deep content instruction as well as pedagogical training. Common Core aligned, this course, the first of its kind, is now open for enrollment, and will launch January 23rd. We are currently discussing group enrollments with major educational systems and reformers across the nation, and we are also raising scholarship funds for strapped enrollees. Over time, we hope to play a leading role in improving literacy and in strengthening the humanities across the American educational landscape.

Airing Nationwide in 2018: Poetry in America, The Television Series
In May 2016, Verse Video Education was asked by WGBH and American Public Television to expand its television series in development from 8 to 13 episodes, listed below.

The following episodes are entering post-production:

On Edward Hirsch's "Fast Break"*:** Shaquille O'Neal, Pau Gasol, Shane Battier, Edward Hirsch, and an on-court pick-up basketball chorus filmed at Success Academy Charter School; ***On W.H. Auden's "Musee Des Beaux Arts"*:** Ambassador Samantha Power, David Brooks, Peter Sacks; ***On Robert Hayden's "Those Winter Sundays"*:** Vice President Joe Biden, Elizabeth Alexander, Angela Duckworth, Kevin Young, and a chorus of fathers and sons; ***On Carl Sandburg's "Skyscraper"*:** Frank Gehry, Robert Polito, and a chorus of Young Student Poets; ***On Nas's "New York State of Mind"*:** Nas, Russell Simmons, Salamishah Tillet, Steve Stoute, and a chorus of hip hop heads; ***On Galway Kinnell's "The Grey Heron": E.O. Wilson, Robert Hass, Laura McPhee; ***On Gwendolyn Brooks's "To Prisoners"*:** Anna Deveare Smith, Reginald Dwayne Betts, Li-Young Lee and a chorus of exonerees from the Innocence Project; ***On William Carlos Williams's "This Is Just To Say"*:** Woody Allen, Jane Hirshfield, Rafael Campo and a chorus of couples young and old; ***On Langston Hughes's "Harlem":*** President Bill Clinton, Herbie Hancock, Sonia Sanchez and a chorus of children from Promise Academy; ***On Allen Ginsberg's Hymmnn from "Kaddish" and "Hum Bom":*** Bono, Juan Felipe Herrera and a chorus of clergy.

The production of the following episodes will wrap early 2017:

On Emily Dickinson's "I cannot dance opon my Toes"*:** Cynthia Nixon, Yo Yo Ma, Marie Howe and Bill T. Jones; ***On Marianne Moore's "The Fish"*:** Jorie Graham, Edward Norton, Conservation International scientists, and the passengers and crew of oceanographic vessel *The Alucia*; ***On Elizabeth Bishop's "One Art" or Edna St. Vincent Millay's "Four Sonnets."

--

Jeffrey,

Just a quick note to thank you again for all the help you've given me. The generous contribution you made last year to Verse Video Education is now in use (we've hired our new editor!). Once he helps us to plow through the work of this year, we'll begin to look forward to crafting educational content on the literature of art, sport and play (these materials now including footage from recent shoots with Shaquille O'Neal, Yo Yo Ma, Cynthia Nixon, Bono and others). 100K makes so much possible.

But, of course, you've also been a key preceptor as I've learned how --squirming all the way--the sausage really gets made in public television. I can't say I've been entirely successful in taming costs there, but I've been far better armed and more mindful of what they should be after the stern tutorial you administered.

Whenever Templeton might be ready to evaluate another application, I'm ready for another proposal for them. I wonder if you might arrange a meeting for me with the famous Barnaby? I can't yet afford a grant writer, and so the time one of these suckers takes makes me think doing more advance reconnaissance is crucial. Would he meet with me? Kosher? I'd also love to meet with the Blacks as I get closer to making content on theatre. I hope that Debra is well.

And heard there's another little Jeff in the caribbean...

Best,

Elisa New
Powell M. Cabot Professor of American Literature
Harvard University
148 Barker Center
12 Quincy Street
Cambridge, MA
O2138
[redacted]

Wall Street Journal, December 30, 2016

The Fable of Edward Snowden

As he seeks a pardon, the NSA thief has told multiple lies about what he stole and his dealings with Russian intelligence.

EDWARD JAY EPSTEIN

Of all the lies that Edward Snowden has told since his massive theft of secrets from the National Security Agency and his journey to Russia via Hong Kong in 2013, none is more provocative than the claim that he never intended to engage in espionage, and was only a "whistleblower" seeking to expose the overreach of NSA's information gathering. With the clock ticking on Mr. Snowden's chance of a pardon, now is a good time to review what we have learned about his real mission.

Mr. Snowden's theft of America's most closely guarded communication secrets occurred in May 2013, according to the criminal complaint filed against him by federal prosecutors the following month. At the time Mr. Snowden was a 29-year-old technologist working as an analyst-in-training for the consulting firm of Booz Allen Hamilton at the regional base of the National Security Agency (NSA) in Oahu, Hawaii. On May 20, only some six weeks after his job there began, he failed to show up for work, emailing his supervisor that he was at the hospital being tested for epilepsy.

This excuse was untrue. Mr. Snowden was not even in Hawaii. He was in Hong Kong. He had flown there with a cache of secret data that he had stolen from the NSA.

This was not the only lie Mr. Snowden told. As became clear during my investigation over the past three years, nearly every element of the narrative Mr. Snowden has provided, which reached its final iteration in Oliver Stone's 2016 movie, "Snowden," is demonstrably false.

This narrative began soon after Mr. Snowden arrived in Hong Kong, where he arranged to meet with Laura Poitras, a Berlin-based documentary filmmaker, and Glenn Greenwald, a Brazil-based blogger for the Guardian. Both journalists were longtime critics of NSA surveillance with whom Mr. Snowden (under the alias Citizen Four) had been in contact for four months.

To provide them with scoops discrediting NSA operations, Mr. Snowden culled several thousand documents out of his huge cache of stolen material, including two explosive documents he asked them to use in their initial stories. One was the now-famous secret order from America's Foreign Intelligence Surveillance Act court requiring Verizon to turn over to the NSA its billing records for its phone users in the U.S. The other was an NSA slide presentation detailing its ability to intercept communications of non-American users of the internet via a joint program with the FBI code-named Prism.

These documents were published in 2013 on June 5 and 6, followed by a video in which he identified himself as the leaker and a whistleblower.

At the heart of Mr. Snowden's narrative was his claim that while he may have incidentally "touched" other data in his search of NSA files, he took only documents that exposed the malfeasance of the NSA and gave all of them to journalists.

Yet even as Mr. Snowden's narrative was taking hold in the public realm, a secret damage assessment done by the NSA and Pentagon told a very different story. According to a unanimous report declassified on Dec. 22 by the House Permanent Select Committee on Intelligence, the investigation showed that Mr. Snowden had "removed" (not merely touched) 1.5 million documents. That huge number was based on, among other evidence, electronic logs that recorded the selection, copying and moving of documents.

The number of purloined documents is more than what NSA officials were willing to say in 2013 about the removal of data, possibly because the House committee had the benefit of the Pentagon's more-extensive investigation. But even just taking into account the material that Mr. Snowden handed over to journalists, the December House report concluded that he compromised "secrets that protect American troops overseas and secrets that provide vital defenses against terrorists and nation-states." These were, the report said, "merely the tip of the iceberg."

The Pentagon's investigation during 2013 and 2014 employed hundreds of military-intelligence officers, working around the clock, to review all 1.5 million documents. Most had nothing to do with domestic surveillance or whistle blowing. They were mainly military secrets, as Gen. Martin Dempsey, chairman of the Joint Chiefs of Staff, testified before the House Armed Services Committee on March 6, 2014.

It was not the quantity of Mr. Snowden's theft but the quality that was most telling. Mr. Snowden's theft put documents at risk that could reveal the NSA's Level 3 tool kit—a reference to documents containing the NSA's most-important sources and methods. Since the agency was created in 1952, Russia and other adversary nations had been trying to penetrate its Level-3 secrets without great success.

Yet it was precisely these secrets that Mr. Snowden changed jobs to steal. In an interview in Hong Kong's South China Morning Post on June 15, 2013, he said he sought to work on a Booz Allen contract at the CIA, even at a cut in pay, because it gave him access to secret lists of computers that the NSA was tapping into around the world.

He evidently succeeded. In a 2014 interview with Vanity Fair, Richard Ledgett,the NSA executive who headed the damage-assessment team, described one lengthy document taken by Mr. Snowden that, if it fell into the wrong hands, would provide a "road map" to what targets abroad the NSA was, and was not, covering. It contained the requests made by the 17 U.S. services in the so-called Intelligence Community for NSA interceptions abroad.

On June 23, less than two weeks after Mr. Snowden released the video that helped present his narrative, he left Hong Kong and flew to Moscow, where he received protection by the Russian government. In much of the media coverage that followed, the ultimate destination of these stolen secrets was fogged over—if not totally obscured from the public—by the unverified claims that Mr. Snowden was spoon feeding to handpicked journalists.

In his narrative, Mr. Snowden always claims that he was a conscientious "whistleblower" who turned over all the stolen NSA material to journalists in Hong Kong. He has insisted he had no intention of defecting to Russia but was on his way to Latin America when he was trapped in Russia by the U.S. government in an attempt to demonize him.

For example, in October 2014, he told the editor of the Nation, "I'm in exile. My government revoked my passport intentionally to leave me exiled" and "chose to keep me in Russia." According to Mr. Snowden, the U.S. government accomplished this entrapment by suspending his passport while he was in midair after he departed Hong Kong on June 23, thus forcing him into the hands of President Vladimir Putin's regime. None of this is true. The State Department invalidated Mr. Snowden's passport while he was still in Hong Kong, not after he left for Moscow on June 23. The "Consul General-Hong Kong confirmed that Hong Kong authorities were notified that Mr. Snowden's passport was revoked June 22," according to the State Department's senior watch officer, as reported by ABC news on June 23, 2013.

Mr. Snowden could not have been unaware of the government's pursuit of him, since the criminal complaint against him, which was filed June 14, had been headline news in Hong Kong. That the U.S. acted against him while he was still in Hong Kong is of great importance to the timeline because it points to the direct involvement of Aeroflot, an airline which the Russian government effectively controls. Aeroflot bypassed its normal procedures to allow Mr. Snowden to board the Moscow flight—even though he had neither a valid passport nor a Russian visa, as his newly assigned lawyer, Anatoly Kucherena,said at a press conference in Russia on July 12, 2013.

By falsely claiming his passport was invalidated after the plane departed Hong Kong—instead of before he left—Mr. Snowden hoped to conceal this extraordinary waiver. The Russian government further revealed its helping hand, judging by a report in Russia's Izvestia newspaper when, on arrival, Mr. Snowden was taken off the plane by a security team in a "special operation."

Nor was it any kind of accident. Vladimir Putin personally authorized this assistance after Mr. Snowden met with Russian officials in Hong Kong, as Mr. Putin admitted in a televised press conference on Sept. 2, 2013.

To provide a smokescreen for Mr. Snowden's escape from Hong Kong, WikiLeaks (an organization that the Obama administration asserted to be a tool of Russian intelligence after the hacking of Democratic Party leaders' email in 2016) booked a dozen or more diversionary flight reservations to other destinations for Mr. Snowden.

WikiLeaks co-founder Julian Assange also dispatched Sarah Harrison, his deputy at WikiLeaks, to fly to Hong Kong to pay Mr. Snowden's expenses and escort him to Moscow. In short, Mr. Snowden's arrival in Moscow was neither accidental nor the work of the U.S. government.

Mr. Snowden's own narrative asserts that he came to Russia not only empty-handed but without access to any of the stolen material. He wrote in Vanity Fair in 2014 that he had destroyed all of it before arriving in Moscow—the very data that he went to such lengths to steal a few weeks earlier in Hawaii.

As it turns out, this claim is also untrue. It is belied by two Kremlin insiders who were in a position to know what Mr. Snowden actually brought with him to Moscow. One of them, Frants Klintsevich, was the first deputy chairman of the defense and security committee of the Duma (Russia's parliament) at the time of Mr. Snowden's defection. "Let's be frank," Mr. Klintsevich said in a taped interview with NPR in June 2016, "Mr. Snowden did share intelligence. This is what security services do."

The other insider was Anatoly Kucherena, a well-connected Moscow lawyer and Mr. Putin's friend. Mr. Kucherena served as the intermediary between Mr. Snowden and

Russian authorities. On Sept. 23, 2013, Mr. Kucherena gave a long interview to Sophie Shevardnadze, a journalist for Russia Today television.

When Ms. Shevardnadze directly asked him if Mr. Snowden had given all the documents he had taken from the NSA to journalists in Hong Kong, Mr. Kucherena said Mr. Snowden had only given "some" of the NSA's documents in his possession to journalists in Hong Kong. "So he [Mr. Snowden] does have some materials that haven't been made public yet?" Ms. Shevardnadze asked. "Certainly," Mr. Kucherena answered.

This disclosure filled in a crucial piece of the puzzle. It explained why NSA documents that Mr. Snowden had copied, but had not given to the journalists in Hong Kong—such as the embarrassing revelation about the NSA targeting the cellphone of German Chancellor Angela Merkel—continued to surface after Mr. Snowden arrived in Moscow, along with NSA documents released via WikiLeaks.

As this was a critical discrepancy in Mr. Snowden's narrative, I went to Moscow in October 2015 to see Mr. Kucherena. During our conversation, Mr. Kucherena confirmed that his interview with Ms. Shevardnadze was accurate, and that Mr. Snowden had brought secret material with him to Moscow.

Mr. Snowden's narrative also includes the assertion that he was neither debriefed by nor even met with any Russian government official after he arrived in Moscow. This part of the narrative runs counter to findings of U.S. intelligence. According to the House Permanent Select Committee on Intelligence report, Mr. Snowden, since he arrived in Moscow, "has had, and continues to have, contact with Russian intelligence services." This finding is consistent with Russian debriefing practices, as described by the ex-KGB officers with whom I spoke in Moscow

Mr. Snowden also publicly claimed in Moscow in December 2013 to have secrets in his head, including "access to every target, every active operation. Full lists of them." Could Mr. Snowden's Russian hosts ignore such an opportunity after Mr. Putin had authorized his exfiltration to Moscow? Mr. Snowden, with no exit options, was in the palm of their hands. Under such circumstances, as Mr. Klintsevich pointed out in his June NPR interview: "If there's a possibility to get information, they [the Russian intelligence services] will get it."

The transfer of state secrets from Mr. Snowden to Russia did not occur in a vacuum. The intelligence war did not end with the termination of the Cold War; it shifted to cyberspace. Even if Russia could not match the NSA's state-of-the-art sensors, computers and productive partnerships with the cipher services of Britain, Israel, Germany and other allies, it could nullify the U.S. agency's edge by obtaining its sources and methods from even a single contractor with access to Level 3 documents.

Russian intelligence uses a single umbrella term to cover anyone who delivers it secret intelligence. Whether a person acted out of idealistic motives, sold information for money or remained clueless of the role he or she played in the transfer of secrets—the provider of secret data is considered an "espionage source." By any measure, it is a job description that fits Mr. Snowden.

Mr. Epstein's book, "How America Lost Its Secrets: Edward Snowden, the Man and the Theft," will be published by Knopf in January.

Journal Video: Investigative Journalist Edward Jay Epstein on Snowden;s Legend

From: Bruce Moskowitz [redacted]
Sent: 12/31/2016 11:57:08 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Chatter
Attachments: Trump and Doctors Meet.pdf; Untitled attachment 129107.txt

Importance: High

FYI you were right. Happy New Year.

DATE IMPORTED: December 28, 2

Steve Bannon (L), senior counselor to U.S
Dr. Bruce Moskowitz (R) as they arrive to a
leaders at the Mar-a-lago Club in Palm Be
REUTERS/Jonathan Ernst

SELECT USAGE

CATEGORY

SYSTEM ID:
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IMAGE ID:
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Trump meets with docs today as Congress preps Obamacare repeal

December 28th, 2016
Goto comments Leave a comment

In case you're interested, President-elect Donald Trump meets today with a a group of doctors at his Mar-a-Lago resort in Palm Beach, Florida.
They are Dr. John H. Noseworthy, president and chief executive officer of the Mayo Clinic; Dr. Paul B. Rothman, dean of the medical faculty, vice president for medicine of The Johns Hopkins University and chief executive officer of Johns Hopkins Medicine; Dr. Bruce Moskowitz; Dr. David F. Torchiana, president and chief executive officer of Partners HealthCare; and Dr. Toby Cosgrove, president and chief executive officer of the Cleveland Clinic.
The Cleveland Clinic has lots of patients, but a notable one is U.S. Rep. Tom Marino, R-10, Lycoming Twp., one of Mr. Trump's top supporters, who has undergone kidney cancer surgery there.
None of the doctors gave to Mr. Trump's campaign and generally don't contribute much to political campaigns if at all. When they do, they donate mostly to Democrats.
Mr. Trump is also meeting with Isaac Perlmutter, chief executive officer of Marvel Entertainment, and David M. Rubenstein the co-founder of Carlyle Group.
Mr. Perlumuter hardly ever gives to political campaigns either, but his wife, Laura, gave $2 million to former presidential candidate Marco Rubio's campaign super PAC, according to The New York Times.
Mr. Rubenstein gives extensively to candidates from both parties.
Neither he nor Perlmutter gave to Mr. Trump.
– BORYS KRAWCZENIUK

Author: borys Categories: Uncategorized Tags: Bruce Moskowitz, Cleveland Clinic, David F. Torchiana, David Rubenstein, Donald Trump, Isaac Perlmutter, John H. Noseworthy, Laura Perlmutter, Marco Rubio, Mayo Clinic, Palm Beach Florida, Paul B. Rothman, Toby Cosgrove, Tom Marino

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Ted Cruz humming forget-filled tune on president-elect Donald Trump

The Washington Post

To Your Health

Trump just met with super-influential health-care executives you've probably never heard of

By Ariana Eunjung Cha December 28 at 1:20 PM

President-elect Donald Trump's meeting this month with Silicon Valley's elite made headlines for its inclusion of such big names as Apple's Tim Cook, Facebook's Sheryl Sandberg, Tesla Motors's Elon Musk, and Amazon's Jeffrey P. Bezos. (Bezos owns The Washington Post.)

The group talked about a wide range of topics, including bringing jobs back to the United States, immigration, China, cybersecurity, taxes and technology in schools.

What has been less publicized is that Trump has been holding similar meet-and-greets with other titans of industry in critical areas of the economy, including finance and network news.

On Wednesday, his guests were health-care executives — many of whom represent companies or institutions that have a big stake in the outcome of Trump's ambitions to dismantle the Affordable Care Act. According to a pool report, the group, all men, met with him at 11 a.m. at the Mar-a-Lago estate in Palm Beach, Fla. They included John Noseworthy of the Mayo Clinic, Paul Rothman of Johns Hopkins Medicine, David Torchiana of Partners HealthCare and Toby Cosgrove of the Cleveland Clinic.

Noseworthy, a neurologist who is president and CEO of the Mayo Clinic, in recent years has been an articulate commentator about health-care reform on TV shows such

as MSNBC's "Morning Joe," NBC's "Meet the Press," and "Charlie Rose." He has argued that Obamacare was basically an expansion of insurance coverage and did not emphasize patient health enough.

In an interview with The Washington Post in November, he said his office had already been in touch with Trump's transition team offering help.

"We're really talking about replace and repair, rather than repeal. But we haven't seen a full approach yet from the administration. Personally, this is me speaking. ... We're basically optimistic we can create a better system together," Noseworthy said.

In a statement issued by his office shortly after the meeting began, Noseworthy said the invitation from Trump was to "share his perspective on the future of healthcare delivery, research and excellence" and that he was "pleased for the opportunity."

Rothman is chief executive of Johns Hopkins Medicine and several years ago found himself in the awkward position of criticizing physician Ben Carson, who at the time was head of pediatric neurology for the institution, after he made disparaging remarks about same-sex marriage. Carson later apologized publicly for his "poorly chosen words." Carson, a onetime political rival of Trump's, has been tapped to lead the Department of Housing and Urban Development.

Torchiana is chief executive of Partners HealthCare, based in Massachusetts — a state that has long been at the forefront of health-care reform. Partners operates two of the most well-regarded hospitals in the world, Massachusetts General and Brigham and Women's Hospital, which are affiliated with Harvard Medical School. But in recent months, Partners has been under fire from some policymakers because of what they describe as a large gap between what Partners charges and what other providers charge.

Cosgrove, a heart surgeon and Vietnam veteran who is chief executive of the Cleveland Clinic, may be a candidate for the head of the Department of Veterans Affairs, according to Bloomberg News. Cosgrove has met with Trump several other times. He's on an advisory panel of 16 executives for the president-elect on jobs and the economy, has been spotted in Trump Tower recently and was in Palm Beach meeting with Trump last week.

Cosgrove has criticized Obamacare and in September appeared on CNBC's "Squawk Box" saying that health-care providers are drowning in paperwork.

"The number of quality metrics that we have to report to the government every year is just going up like crazy. We're now reporting well over 100 quality metrics on a regular basis," he said, describing regulation paperwork as coming in seven-foot-tall stacks of 16,000 pages.

Also in the meeting were Bruce Moskowitz, described as a physician in Palm Beach, and Isaac Perlmutter, chief executive officer of Marvel Entertainment. We can't explain what he was doing there.

Separately, former Wisconsin governor Tommy Thompson was expected to meet with Trump later in the day to discuss Obamacare reform, according to a pool report. Thompson served as secretary of health and human services during George W. Bush's first term.

This post has been updated.

Read more:

Trump could quickly doom ACA cost-sharing subsidies for millions of Americans

Trump turns to conservative tacticians to run HHS and Medicare, Medicaid

Trump names Rep. Tom Price as next HHS secretary

Ariana Eunjung Cha is a national reporter. She has previously served as the Post's bureau chief in Shanghai and San Francisco, and as a correspondent in Baghdad.
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From: Harry Fisch [redacted]
Sent: 1/25/2017 4:15:19 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Re:

Importance: High

NY state just passed a law last week guaranteeing coverage statewide exactly like the ACA.

Contacted Puerto Rico's governor to set up a meeting. Meetings for NY State occurs in 2 weeks then I contact Cuomo. "Let women choose which condom they want". The one that's free with insurance that women control or the male condom that's in the hands of men.

Let's go over my company overview when you have time.

Sent from my iPhone

On Jan 25, 2017, at 6:45 AM, jeffrey E. <jeevacation@gmail.com> wrote:

http://www.cnn.com/2017/01/25/health/iuds-trump/

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From: Kathy Ruemmler [redacted]]
Sent: 2/11/2017 1:37:47 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Re:

Importance: High

No, I ranked much much lower

Sent from my iPad

On Feb 11, 2017, at 5:57 AM, jeffrey E. <jeevacation@gmail.com> wrote:

if hes mcguyver . are you marla maples?

On Fri, Feb 10, 2017 at 7:24 PM, Kathy Ruemmler <[redacted]> wrote:

Hard to imagine. He really does remind me of mcgyver and I am suffering ptsd.

Sent from my iPad

On Feb 10, 2017, at 7:20 PM, jeffrey E. <jeevacation@gmail.com> wrote:

worse in real life and upclose.

On Fri, Feb 10, 2017 at 7:11 PM, Kathy Ruemmler <[redacted]> wrote:

Trump is so gross. **Privileged - Redacted**

Sent from my iPad

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[redacted]

Joe D. Whitley
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Washington, DC 20004-1404
[redacted]

May 27, 2008

VIA FACSIMILE [redacted]

CONFIDENTIAL

Honorable Mark Filip
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Judge Filip:

This letter briefly supplements our prior submission to you dated May 19, 2008. In that communication, we urgently requested that your Office conduct an independent review of the proposed federal prosecution of our client, Jeffrey Epstein. The dual reasons for our request that you review this matter are (i) the bedrock need for integrity in the enforcement of federal criminal laws, and (ii) the profound questions raised by the unprecedented extension of federal law by the United States Attorney's Office in Miami (the "USAO") to a prominent public figure who has close ties to former President Clinton.

The need for review is now all the more exigent. On Monday, May 19, 2008, First Assistant Jeffrey Sloman of the USAO responded to an email from Jay Lefkowitz informing U.S. Attorney Alex Acosta that we would be seeking your Office's review. Mr. Sloman's letter, which imposed a deadline of June 2, 2008 to comply with all the terms of the current Non-Prosecution Agreement (the "Agreement"), plus new unilateral modifications, on pain of being deemed in breach of that Agreement, appears to have been deliberately designed to deprive us of an adequate opportunity to seek your Office's review in this matter.

The USAO's desire to foreclose a complete review is understandable, given that the Child Exploitation and Obscenity Section ("CEOS") has already determined that our substantive arguments regarding why a federal prosecution of Mr. Epstein is not warranted were "compelling." However, in contradiction to Mr. Sloman's assertion that CEOS had provided an independent, *de novo* review, CEOS made clear that it did not do so. Indeed, CEOS declined to examine several of the more troubling aspects of the investigation of Mr. Epstein, including the deliberate leak to the *New York Times* of numerous highly confidential aspects of the investigation and negotiations between the parties as well as the recent crop of civil lawsuits filed against Mr. Epstein by Mr. Sloman's former law partner.

The unnecessary and arbitrarily imposed deadline set by the USAO was done without any respect for the normal functioning and scheduling of state judicial matters. It requires that Mr. Epstein's counsel persuade the State Attorney of Palm Beach to issue a criminal information

to a charge that the State Attorney has not, despite a two year investigation, determined to be appropriate. Mr. Epstein's counsel must also successfully expedite a plea of guilty to this charge on a date prior to July 8, 2008, which is the date presently set by the state court Judge.

Further, the unnecessary deadline is even more problematic because Mr. Epstein's effort to reconcile the state charge and sentence with the terms of the Agreement requires an unusual and unprecedented threatened application of federal law. Thus, it places Mr. Epstein in the highly unusual position of having to demand that the State acquiesce to a more severe punishment than it had already determined was appropriate.

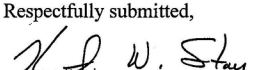
We have attempted to resolve these and other issues through the USAO and CEOS, including raising our concerns about the USAO's inappropriate conduct with respect to this matter. But those avenues have now been shut down. Mr. Sloman's letter purports to prohibit any further contact between Mr. Epstein's defense team and U.S. Attorney Acosta, and instead requires us to communicate with the USAO only though Mr. Sloman's subordinates.

While it pains us to say this, this misguided prosecution from the outset gives the appearance that it may have been politically motivated. Mr. Epstein is a highly successful, self-made businessman and philanthropist who entered the public arena only by virtue of his close personal association with former President Bill Clinton. There is little doubt in our minds that the USAO never would have contemplated a prosecution in this case if Mr. Epstein were just another "John."

U.S. Attorney Acosta previously has stated that he is "sympathetic" to our federalism-related concerns, but he has taken the position that his authority is limited by enforcement policies set forth in Washington, D.C. As expressed in our prior communication to you, we believe that a complete and independent appraisal and resolution of this case most appropriately would be undertaken by your Office—beginning with the rescission of the arbitrary, unfair, and unprecedented deadline that Mr. Sloman demands to have imposed in this case. At the very least, we would appreciate a tolling of the arbitrary timeline imposed on our client by the USAO in order to allow time for your office to consider our request that you undertake a review of this case.

Thank you for your time and attention.

Respectfully submitted,



Kenneth W. Starr
Kirkland & Ellis LLP

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Honorable Mark Filip	Office of the Deputy Attorney General United States Department of Justice		[redacted]	
From:	***Date:***	***Pages w/cover:***	***Fax #:***	***Direct #:***
Kenneth W. Starr	May 27, 2008	3	[redacted]	

Message:

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Washington, DC 20004-1404
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May 19, 2008

VIA FACSIMILE [redacted]

CONFIDENTIAL

Honorable Mark Filip
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Judge Filip:

In his confirmation hearings last fall, Judge Mukasey admirably lifted up the finest traditions of the Department of Justice in assuring the United States Senate, and the American people, of his solemn intent to ensure fairness and integrity in the administration of justice. Your own confirmation hearings echoed that bedrock determination to assure that the Department conduct itself with honor and integrity, especially in the enforcement of federal criminal law.

We come to you in that spirit and respectfully ask for a review of the federal involvement in a quintessentially state matter involving our client, Jeffrey Epstein. While we are well aware of the rare instances in which a review of this sort is justified, we are confident that the circumstances at issue warrant such an examination. Based on our collective experiences, as well as those of other former senior Justice Department officials whose advice we have sought, we have never before seen a case more appropriate for oversight and review. Thus, while neither of us has previously made such a request, we do so now in the recognition that both the Department's reputation, as well as the due process rights of our client, are at issue.

Recently, the Criminal Division concluded a very limited review of this matter at the request of U.S. Attorney Alex Acosta. Critically, however, this review deliberately excluded many important aspects of this case. Just this past Friday, on May 16, 2008, we received a letter from the head of CEOS informing us that CEOS had conducted a review of this case. By its own admission, the CEOS review was "limited, both factually and legally." Part of the self-imposed limitation was CEOS's abstention from addressing our "allegations of professional misconduct by federal prosecutors"—even though such misconduct was, as we contend it is, inextricably intertwined with the credibility of the accusations being made against Mr. Epstein by the United States Attorney's Office in Miami ("USAO"). Moreover, CEOS did not assess the terms of the Deferred Prosecution Agreement now in effect, nor did CEOS review the federal prosecutors' inappropriate efforts to implement those terms. We detail this point below.

By way of background, we were informed by Mr. Acosta that, at his request, CEOS would be conducting a review to determine whether federal prosecution was both appropriate and, in his words, "fair." That is not what occurred. Instead, CEOS has now acknowledged that we had raised "many compelling arguments" against the USAO's suggested "novel application" of federal law in this matter. Even so, CEOS concluded, in minimalist fashion, that "we do not see anything that says to us *categorically* that a federal case should not be brought" and that the U.S. Attorney "would not be *abusing his prosecutorial discretion* should he authorize federal prosecution of Mr. Epstein" thus delegating back to Mr. Acosta the decision of whether federal prosecution was warranted (emphasis added). Rather than assessing whether prosecution would be *appropriate*, CEOS, using a low baseline for its evaluation, determined only that "it would not be impossible to prove . . ." certain allegations made against Mr. Epstein. The CEOS review failed to address the significant problems involving the appearance of impermissible selectivity that would necessarily result from a federal prosecution of Mr. Epstein.

We respect CEOS's conclusion that its authority to review "misconduct" issues was precluded by Criminal Division practice. We further respect CEOS's view that it understood its mission as significantly limited. Specifically, the contemplated objective was to determine whether the USAO would be abusing its discretion by bringing a federal prosecution rather than making its own de novo recommendations on the appropriate reach of federal law. However, we respectfully submit that a full review of all the facts is urgently needed at senior levels of the Justice Department. In an effort to inform you of the nature of the federal investigation against Mr. Epstein, we summarize the facts and circumstances of this matter below.

The two base-level concerns we hold are that (1) federal prosecution of this matter is not warranted based on the purely-local conduct and the unprecedented application of federal statutes to facts such as these and (2) the actions of federal authorities are both highly questionable and give rise to an appearance of substantial impropriety. The issues that we have raised, but which have not yet been addressed or resolved by the Department, are more than isolated allegations of professional mistakes or misconduct. These issues, instead, affect the appearance and administration of criminal justice with profound consequences beyond the resolution in the matter at hand.

* * *

In a precedent-shattering investigation of Jeffrey Epstein that raises important policy questions—and serious issues as to the fair and honorable enforcement of federal law—the USAO in Miami is considering extending federal law beyond the bounds of precedent and reason. Federal prosecutors stretched the underlying facts in ways that raise fundamental questions of basic professionalism. Perhaps most troubling, the USAO in Miami, as a condition of deferring prosecution, required a commingling of substantive federal criminal law with a proposed civil remedy engineered in a way that appears intended to profit particular lawyers in

private practice in South Florida with personal relationships to some of the prosecutors involved. Federal prosecutors then leaked highly sensitive information about the case to a New York Times reporter.[1] The immediate result of this confluence of extraordinary circumstances is an onslaught of civil lawsuits, all save one brought by the First Assistant's former boutique law firm in Miami.

The facts in this case all revolve around the classic state crime of solicitation of prostitution.[2] The State Attorney's Office in Palm Beach County had conducted a diligent investigation, convened a Grand Jury that returned an indictment, and made a final determination about how to proceed. That is where, in our federal republic, this matter should rest. Mr. Epstein faces a felony conviction in state court by virtue of his conduct, and the only reason the State has not resolved this matter is that the federal prosecutors in Miami have continued to insist that we, Mr. Epstein's counsel, approach and demand from the State Attorney's Office a harsher charge and a more severe punishment than that Office believes are appropriate under the circumstances. Yet despite the USAO's refusal to allow the State to resolve this matter on the terms the State has determined are appropriate, the USAO has not made any attempt to coordinate its efforts with the State. In fact, the USAO mandated that any federal agreement would be conditioned on Mr. Epstein persuading the State to seek a criminal punishment unlike that imposed on other defendants within the jurisdiction of the State Attorney for similar conduct.

From the inception of the USAO's involvement in this case, which at the end of the day is a case about solicitation of prostitution within the confines of Palm Beach County, Florida, we have asked ourselves why the Department of Justice is involved. Regrettably, we are unable to suggest any appropriate basis for the Department's involvement. Mr. Epstein has no criminal history whatsoever. Also, Mr. Epstein has never been the subject of general media interest until a few years ago, after it was widely perceived by the public that he was a close friend of former President Bill Clinton.

The conduct at issue is simply not within the purview of federal jurisdiction and lies outside the heartland of the three federal statutes that have been identified by prosecutors—18 U.S.C. §§ 1591, 2422(b), and 2423(b).

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1 One of the other members of Mr. Epstein's defense team, Jay Lefkowitz, has personally reviewed the reporter's contemporaneous notes.

2 Although some of the women alleged to be involved were 16 and 17 years of age, several of these women openly admitted to lying to Mr. Epstein about their age in their recent sworn statements.

These statutes are intended to target crimes of a truly national and international scope. Specifically, § 1591 was enacted to combat human trafficking, § 2422 is aimed at sexual predation of minors through the Internet, and § 2423 deals with sex tourism. The nature of these crimes results in multi-jurisdictional problems that state and local authorities cannot effectively confront on their own. However, Mr. Epstein's conduct was purely local in nature and, thus, does not implicate federal involvement. After researching every reported case brought under 18 U.S.C. §§ 1591, 2422(b), and 2423(b), we found that not a single case involves facts or a scenario similar to the situation at hand. Our review of each precedent reflects that there have been no reported prosecutions under § 1591 of a 'john' whose conduct with a minor lacked force, coercion, or fraud and who was not profiting from commercial sexual trafficking. There have likewise been no cases under § 2422(b)—a crime of communication—where there was no use of the Internet, and where the content of phone communications did not contain any inducing or enticing of a minor to have illegal sexual activity as expressly required by the language of the statute. Furthermore, the Government's contention that "routine and habit" can fill the factual and legal void created by the lack of evidence that such a communication ever occurred sets this case apart from every reported case brought under § 2422(b). Lastly, there are no reported cases of violations of § 2423(b) of a person whose dominant purpose in traveling was merely to go to his own home.[3]

Although these matters were within the scope of the CEOS review, rather than considering whether federal prosecution is appropriate, CEOS only determined that U.S. Attorney Acosta "would not be abusing his prosecutorial discretion should he authorize federal prosecution" in this case. The "abuse of discretion" standard constitutes an extremely low bar of evaluation and while it may be appropriate when the consideration of issues are exclusively factual in nature, this standard fails to address concerns particular to this situation, namely the "novel application" of federal statutes. The "abuse of discretion" standard in such pure legal matters of statutory application risks causing a lack of uniformity. The same federal statutes that would be stretched beyond their bounds in Miami have been limited to their heartland in each of the other federal districts. Also, because this case implicates broader issues of the administration of equal justice, federal prosecution in this matter risks the appearance of selectivity in its stretching of federal law to fit these facts.

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[3] Federal prosecution of a man who engaged in consensual conduct in his home that amounted to, at most, the solicitation of prostitution, is unprecedented. Since prostitution is fundamentally a state concern, (*see United States v. Evans*, 476 F.3d 1176, n.1 (11th Cir. 2007) (federal law "does not criminalize all acts of prostitution (a vice traditionally governed by state regulation)")), and there is no evidence that Palm Beach County authorities and Florida prosecutors cannot effectively prosecute and punish the conduct, there is no reason why this matter should be extracted from the hands of state prosecutors in Florida.

In fact, recent testimony of several alleged "victims" contradicts claims made by federal prosecutors during the negotiations of a deferred prosecution agreement. The consistent representations of key Government witnesses (such as [redacted]) confirm the following critical points: *First*, there was no communication, telephonic or otherwise, that meets the requirements of § 2422(b). For instance, Ms. [redacted] confirmed that Mr. Epstein never emailed, text-messaged, or used any facility of interstate commerce whatsoever, before or after her one (and only) visit to his home. [redacted] Tr. (deposition) at 30. *Second*, the women who testified admitted that they lied to Mr. Epstein about their age in order to gain admittance into his home. Indeed, the women who brought their underage friends to Mr. Epstein testified that they would counsel their friends to lie about their ages as well. Ms. [redacted] stated the following: "I would tell my girlfriends just like [redacted] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." [redacted] Tr. at 22. *Third*, there was no routine or habit of improper communication expressing an intent to transform a massage into an illegal sexual act. In fact, there was often no sexual activity at all during the massage. Ms. [redacted] testified that "[s]ometimes [Mr. Epstein] just wanted his feet massaged. Sometimes he just wanted a back massage." [redacted] Tr. at 19. [redacted] also stated that Mr. Epstein "never touched [her] physically" and that all she did was "massage[ ] his back, his chest and his thighs and that was it." [redacted] Tr. at 12-13. *Finally*, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women. Ms. [redacted] stated that "[Mr. Epstein] never tried to force me to do anything." [redacted] Tr. A at 12. These accounts are far from the usual testimony in sex slavery, Internet stings and sex tourism cases previously brought. The women in actuality were not younger than 16, which is the age of consent in most of the 50 states, and the sex activity was irregular and in large part, consisted of solo self-pleasuring.

The recent crop of civil suits brought against Mr. Epstein confirm that the plaintiffs did not discuss any sexually-related activities with anyone prior to arriving at Mr. Epstein's residence. This reinforces our contention that no telephonic or Internet persuasion, inducement, enticement or coercion of a minor, or of any other individual, occurred. In addition, Mr. Jeffrey Herman, the former law partner of one of the federal prosecutors involved in this matter and the attorney for most of the civil complainants (as described in detail below), was quoted in the Palm Beach *Post* as saying that "it doesn't matter" that his clients lied about their ages and told Mr. Epstein that they were 18 or 19.

Not only is a federal prosecution of this matter unwarranted, but the irregularity of conduct by prosecutors and the unorthodox terms of the deferred prosecution agreement are beyond any reasonable interpretation of the scope of a prosecutor's responsibilities. The list of improprieties includes, but is not limited to, the following facts:

- Federal prosecutors made the unprecedented demand that Mr. Epstein pay a minimum of $150,000 per person to an unnamed list of women they referred to as minors and whom they insisted required representation by a guardian ad litem. Mr. Epstein's counsel later established that all but one of these individuals were actually adults, not minors. Even then, though demanding payment to the women, the USAO eventually asserted that it could not vouch for the veracity of any of the claims that these women might make.

- Federal prosecutors made the highly unusual demand that Mr. Epstein pay the fees of a civil attorney chosen by the prosecutors to represent these alleged "victims" should they choose to bring any civil litigation against him. They also proposed sending a notice to the alleged "victims," stating, in an underlined sentence, that should they choose their own attorney, Mr. Epstein would not be required to pay their fees. The prosecutors further demanded that Mr. Epstein waive his right to challenge any of the allegations made by these "victims."

- The Assistant U.S. Attorney involved in this matter recommended for the civil attorney, a highly lucrative position, an individual that we later discovered was closely and personally connected to the Assistant U.S. Attorney's own boyfriend.

- Federal prosecutors represented to Mr. Epstein's counsel that they had identified (and later rechecked and re-identified) several alleged "victims" of federal crimes that qualified for payment under 18 U.S.C. § 2255, a civil remedy designed to provide financial benefits to victims. Only through state discovery provisions did we later learn that many of the women on the rechecked "victim list" could not possibly qualify under § 2255. The reason is that they, themselves, testified that they did not suffer any type of harm whatsoever, a prerequisite for the civil recovery under § 2255. Moreover, these women stated that they did not, now or in the past, consider themselves to be victims.

- During the last few months, Mr. Herman, First Assistant Sloman's former law partner, has filed several civil lawsuits against Mr. Epstein on behalf of the alleged "victims." It is our understanding that each of Mr. Herman's clients are on the

Government's confidential "list of victims." Most of these lawsuits seek $50 million in money damages.[4]

- Assistant U.S. Attorney David Weinstein spoke about the case in great detail to Landon Thomas, a reporter with the *New York Times*, and revealed confidential information about the Government's allegations against Mr. Epstein. The Assistant U.S. Attorney also revealed the substance of confidential plea negotiations.

- When counsel for Mr. Epstein complained about the media leaks, First Assistant Sloman responded by asserting that "Mr. Thomas was given, pursuant to his request, non-case specific information concerning specific federal statutes." Based on Mr. Thomas' contemporaneous notes, that assertion appears to be false. For example, Mr. Weinstein told Mr. Thomas that federal authorities believed that Mr. Epstein had lured girls over the telephone and traveled in interstate commerce for the purpose of engaging in underage sex. He recounted to Mr. Thomas the USAO's theory of prosecution against Mr. Epstein, replete with an analysis of the key statutes being considered. Furthermore, after Mr. Epstein's defense team complained about the leak to the USAO, Mr. Weinstein, in Mr. Thomas' own description, then admonished him for talking to the defense, and getting him in trouble. Mr. Weinstein further told him not to believe the "spin" of Mr. Epstein's "high-priced attorneys," and then, according to Mr. Thomas, Mr. Weinstein forcefully "reminded" Mr. Thomas that all prior conversations were merely hypothetical.

We are constrained to conclude that the actions of federal officials in this case strike at the heart of one of the vitally important, enduring values in this country: the honest enforcement of federal law, free of political considerations and free of the taint of personal financial motivations on the part of federal prosecutors that, at a minimum, raise the appearance of serious impropriety.

We were told by U.S. Attorney Acosta that as part of the review he requested, the Department had the authority, and his consent, to make any determination it deemed appropriate regarding this matter, including a decision to decline federal prosecution. Yet, CEOS's only conclusion, based on its limited review of the investigation, is that U.S. Attorney Acosta would not abuse his discretion by proceeding against Mr. Epstein. Thus, the decision of whether

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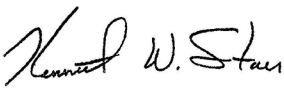
4 As recently as two months ago, Mr. Sloman was still listed publicly as a part of his former law firm. While we assume this was an oversight, Mr. Sloman's identification as part of the firm raises the appearance of impropriety.

prosecution *is fair and appropriate* has been placed, once again, in U.S. Attorney Acosta's hands.

In light of the foregoing, we respectfully ask that you review this matter and discontinue all federal involvement so that the State can appropriately bring this matter to closure. We would greatly appreciate the opportunity to meet with you to discuss these important issues. Such a meeting would provide the Department with an opportunity to review the paramount issues of federalism and the appearance of selectivity that are generated by the unprecedented attempts to broaden the ambit of federal statutes to places that they have never before reached. We sincerely appreciate your attention to this matter.

Respectfully submitted,



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Message:

June 2017

Freedom House

Breaking Down Democracy: Goals, Strategies, and Methods of Modern Authoritarians

by Arch Puddington

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ACKNOWLEDGMENTS

This report emerged from a presentation on the state of global freedom conducted by the author and David J. Kramer, former president of Freedom House. The major source of data and analysis is *Freedom in the World*, the report on political rights and civil liberties published annually by Freedom House. The author wishes to thank the Freedom House analysis staff and the many scholars who have participated in Freedom House assessments of global democracy. The author also extends special thanks to Elen Aghekyan, Tyler Roylance, Alexandra Cain, Danielle Recanati, Amy Slipowitz, Alan Williams, Christopher Walker, Bret Nelson, Michael Johnson, Rebeka Foley, Zselyke Csaky, Sarah Repucci, Vanessa Tucker, Robert Ruby, and Daniel Calingaert.

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Arch Puddington is Distinguished Scholar for Democracy Studies at Freedom House and a co-editor of *Freedom in the World*.

ON THE COVER

Chinese President Xi Jinping and Russian President Vladimir Putin in Beijing, 2016. *Lintao Zhang/Getty Images*

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Freedom House

Executive Summary

Breaking Down Democracy: Goals, Strategies, and Methods of Modern Authoritarians

by Arch Puddington

The 21st century has been marked by a resurgence of authoritarian rule that has proved resilient despite economic fragility and occasional popular resistance. Modern authoritarianism has succeeded, where previous totalitarian systems failed, due to refined and nuanced strategies of repression, the exploitation of open societies, and the spread of illiberal policies in democratic countries themselves. The leaders of today's authoritarian systems devote full-time attention to the challenge of crippling the opposition without annihilating it, and flouting the rule of law while maintaining a plausible veneer of order, legitimacy, and prosperity.

Central to the modern authoritarian strategy is the capture of institutions that undergird political pluralism. The goal is to dominate not only the executive and legislative branches, but also the media, the judiciary, civil society, the commanding heights of the economy, and the security forces. With these institutions under the effective if not absolute control of an incumbent leader, changes in government through fair and honest elections become all but impossible.

Unlike Soviet-style communism, modern authoritarianism is not animated by an overarching ideology or the messianic notion of an ideal future society. Nor do today's autocrats seek totalitarian control over people's everyday lives, movements, or thoughts. The media are more diverse and entertaining under modern authoritarianism, civil society can enjoy an independent existence (as long as it does not pursue political change), citizens can travel around the country or abroad with only occasional interference, and private enterprise can flourish (albeit with rampant corruption and cronyism).

This study explains how modern authoritarianism defends and propagates itself, as regimes from different regions and with diverse socioeconomic foundations copy and borrow techniques of political control. Among its major findings:

- Russia, under President Vladimir Putin, has played an outsized role in the development of modern authoritarian systems. This is particularly true in the areas of media control, propaganda, the smothering of civil society, and the

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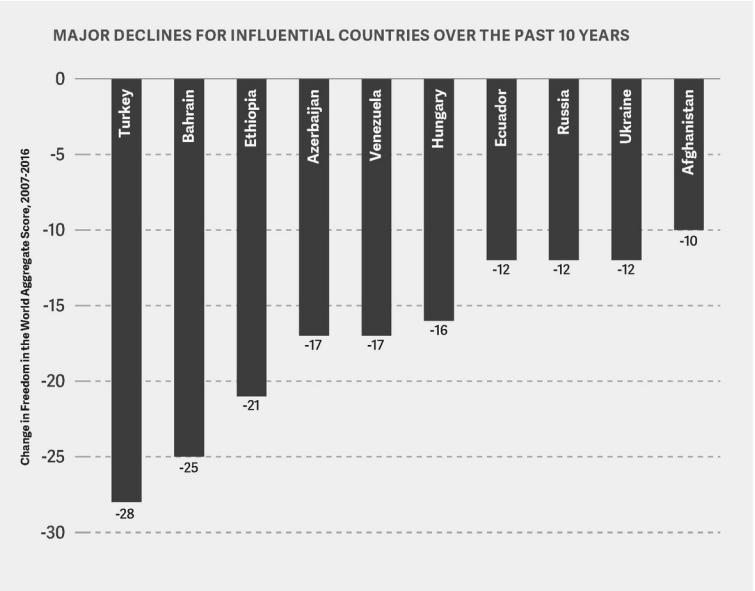

weakening of political pluralism. Russia has also moved aggressively against neighboring states where democratic institutions have emerged or where democratic movements have succeeded in ousting corrupt authoritarian leaders.

- The rewriting of history for political purposes is common among modern authoritarians. Again, Russia has taken the lead, with the state's assertion of authority over history textbooks and the process, encouraged by Putin, of reassessing the historical role of Joseph Stalin.

- The hiring of political consultants and lobbyists from democratic countries to represent the interests of autocracies is a growing phenomenon. China is clearly in the vanguard, with multiple representatives working for the state and for large economic entities closely tied to the state. But there are also K Street representatives for Russia, Kazakhstan, Azerbaijan, Turkey, Ethiopia, and practically all of the authoritarian states in the Middle East.

- The toxic combination of unfair elections and crude majoritarianism is spreading from modern authoritarian regimes to illiberal leaders in what are still partly democratic countries. Increasingly, populist politicians—once in office—claim the right to suppress the media, civil society, and other democratic institutions by citing support from a majority of voters. The resulting changes make it more difficult for the opposition to compete in future elections and can pave the way for a new authoritarian regime.

- An expanding cadre of politicians in democracies are eager to emulate or cooperate with authoritarian rulers. European parties of the nationalistic right and anticapitalist left have expressed admiration for Putin and aligned their policy goals with his. Others have praised

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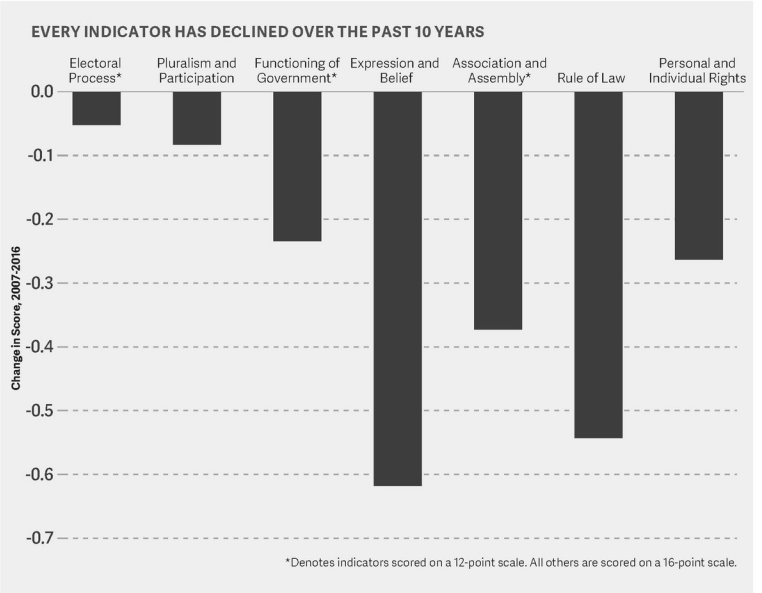

illiberal governments in countries like Hungary for their rejection of international democratic standards in favor of perceived national interests. Even when there is no direct collaboration, such behavior benefits authoritarian powers by breaking down the unity and solidarity of the democratic world.

- There has been a rise in authoritarian internationalism. Authoritarian powers form loose but effective alliances to block criticism at the United Nations and regional organizations like the Organization for Security and Co-operation in Europe and the Organization of American States, and to defend embattled allies like Syria's Bashar al-Assad. There is also growing replication of what might be called authoritarian best practices, vividly on display in the new Chinese law on nongovernmental organizations (NGOs) and efforts by Russia and others to learn from China's experience in internet censorship.

- Modern authoritarians are working to revalidate the concept of the leader-for-life. One of the seeming gains of the postcommunist era was the understanding that some form of term limits should be imposed to prevent incumbents from consolidating power into a dictatorship. In recent years, however, a number of countries have adjusted their constitutions to ease, eliminate, or circumvent executive term limits. The result has been a resurgence of potential leaders-for-life from Latin America to Eurasia.

- While more subtle and calibrated methods of repression are the defining feature of modern authoritarianism, the past few years have featured a reemergence of older tactics that undermine the illusions of pluralism and openness as well as integration with the global economy. Thus Moscow has pursued its military intervention in Ukraine despite economic sanctions and overseen the assassination of opposition figures;

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Beijing has revived the practice of coerced public "confessions" and escalated its surveillance of the Tibetan and Uighur minorities to totalitarian levels; and Azerbaijan has made the Aliyev family's monopoly on political power painfully obvious with the appointment of the president's wife as "first vice president."

- Modern authoritarian systems are employing these blunter methods in a context of increased economic fragility. Venezuela is already in the process of political and economic disintegration. Other states that rely on energy exports have also experienced setbacks due to low oil and gas prices, and China faces rising debt and slower growth after years of misallocated investment and other structural problems. But these regimes also face less international pressure to observe democratic norms, raising their chances of either surviving the current crises or—if they break down—giving way to something even worse.

In subsequent sections, this report will examine the methods employed by authoritarian powers to neutralize precisely those institutions that were thought to be the most potent weapons against a revitalized authoritarianism. The success of the Russian and Chinese regimes in bringing to heel and even harnessing the forces produced by globalization—digital media, civil society, free markets—may be their most impressive and troubling achievement.

Modern authoritarianism is particularly insidious in its exploitation of open societies. Russia and China have both taken advantage of democracies' commitment to freedom of expression and delivered infusions of propaganda and disinformation. Moscow has effectively prevented foreign broadcasting stations from reaching Russian audiences even as it steadily expands the reach of its own mouthpieces, the television channel RT and the news service Sputnik. China blocks the websites of mainstream foreign media while encouraging its corporations to purchase influence in popular culture abroad through control of Hollywood studios. Similar combinations of obstruction at home and interference abroad can be seen in sectors including civil society, academia, and party politics.

The report draws on examples from a broad group of authoritarian states and illiberal democracies, but the focus remains on the two leading authoritarian powers, China and Russia. Much of the report, in fact, deals with Russia, since that country, more than any other, has incubated and refined the ideas and institutions at the foundation of 21st-century authoritarianism.

Finally, a basic assumption behind the report is that modern authoritarianism will be a lasting feature of geopolitics. Since 2012, both Vladimir Putin and Xi Jinping have doubled down on existing efforts to stamp out internal dissent, and both have grown more aggressive on the world stage. All despotic regimes have inherent weaknesses that leave them vulnerable to sudden shocks and individually prone to collapse. However, the past quarter-century has shown that dictatorship in general will not disappear on its own. Authoritarian systems will seek not just to survive, but to weaken and defeat democracy around the world.

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Introduction

Modern Authoritarianism: Origins, Anatomy, Outlook

As the world's democracies confront a dangerous internal challenge from populist and nationalist political forces, it is imperative that they recognize the simultaneous external threat presented by modern authoritarian regimes. These 21st century authoritarians developed an arsenal of new tactics to use against their domestic opponents, and gone on the offensive in an effort to subvert and replace the liberal international order.

But modern authoritarian systems are not simply adversaries of free societies. They also represent an alternative model—a grim future for beleaguered democracies that have already fallen under the sway of illiberal leaders and have suffered an erosion of freedom.

Democracy under siege

Global democracy is currently facing the repercussions of what has been called the "decade of decline." The phrase describes a 10-year-plus period, from 2006 to 2016, during which the state of freedom experienced more reversals than gains as measured by *Freedom in the World*, the annual report on political rights and civil liberties published by Freedom House.[1]

According to *Freedom in the World*, the crucial indicators of democracy experienced setbacks in each of the 10 years in question. In all, 105 countries suffered net declines, while 61 showed some measure of improvement. The decade marked the longest democratic slump of its kind in more than 40 years of Freedom House analysis.[2]

The decade of decline has been principally characterized by a steady erosion of political institutions in established authoritarian countries, or in countries that were clearly headed in that direction. In other words, repressive countries became even more repressive—the bad became even worse.[3]

However, a parallel pattern of institutional erosion has affected some more democratic states, pushing them into the category of "illiberal democracies." In these societies, elections are regularly conducted, sometimes under conditions that are reasonably fair. But the state, usually under the control of a strong party or leader, applies much of its energy to the systematic weakening of political pluralism and the creation of a skewed electoral playing field. Opposition parties are often impotent, freedom of the press is circumscribed, and the judiciary tends to be dominated by the ruling party. Countries that fit this description include Hungary, Bolivia, Ecuador, and, if recent trends continue, Poland.

There are many reasons for the global decline in democratic indicators, but the statistical evidence from *Freedom in the World* suggests that modern authoritarian regimes have found a way to survive without resorting to democratic reforms, and that a number of democracies—as part of the general loss of liberal consensus—are engaging in their own antidemocratic experiments.

Modern authoritarianism

The traditional authoritarian state sought monopolistic control over political life, a one-party system organized around a strongman or military junta, and direct rule by the executive, sometimes through martial law, with little or no role for the parliament.

Traditional dictatorships and totalitarian regimes were often defined by closed, command, or autarkic economies, a state media monopoly with formal censorship, and "civil society" organizations that were structured as appendages of the ruling party or state. Especially in military dictatorships, the use of force—including military tribunals, curfews, arbitrary arrests, political detentions, and summary executions—was pervasive. Often facing international isolation, traditional dictatorships and totalitarian regimes forged alliances based on

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common ideologies, whether faith in Marxist revolution or ultraconservative, anticommunist reaction.

As the 20th century drew to a close, the weaknesses of both communist systems and traditional dictatorships became increasingly apparent. Front and center was the growing economic gap between countries that had opted for market economies and regimes that were committed to statist economies.

The political and economic barriers that had long sheltered the old dictatorships were soon swept away, and those that survived or recovered did so by making a series of strategic concessions to the new global order.

Modern authoritarianism has a different set of defining features:

- An illusion of pluralism that masks state control over key political institutions, with co-opted or otherwise defanged opposition parties allowed to participate in regular elections
- State or oligarchic control over key elements of the national economy, which is otherwise open to the global economy and private investment, to ensure loyalty to the regime and bolster regime claims of legitimacy based on economic prosperity
- State or oligarchic control over information on certain political subjects and key sectors of the media, which are otherwise pluralistic, with high production values and entertaining content; independent outlets survive with small audiences and little influence
- Suppression of nongovernmental organizations (NGOs) that are focused on human rights or political reform, but state tolerance or support for progovernment or apolitical groups that work on public health, education, and other development issues
- Legalized political repression, with targets punished through vaguely worded laws and politically obedient courts
- Limited, selective, and typically hidden use of extralegal force or violence, with a concentration on political dissidents, critical journalists, and officials who have fallen from favor
- Opportunistic, non-ideological cooperation with fellow authoritarian states against pressure for democratic reform or leadership changes, international human rights norms and mechanisms, and international security or justice interventions
- Knowledge-sharing with or emulation of fellow authoritarian states regarding tactics and legislation to enhance domestic control

China and Russia

The two major modern authoritarian powers are China and Russia.

Until fairly recently, the conventional wisdom was that China's one-party authoritarian system would gradually relax as the middle class expanded and the country became fully integrated into the global economic and diplomatic systems. The leadership did expand citizens' freedom to travel, make money, and access information and entertainment that did not touch on sensitive subjects. But it has resolutely refused to give up control over the political sphere.

In fact, the state has become increasingly aggressive in its suppression of political dissent and information that might challenge the Communist Party narrative. The regime's rhetoric and policies have become more hostile to democracy and "Western" values. Its propaganda asserts the superior efficiency of the one-party system and sneers at the messiness of democracy. And the focus of its repressive apparatus has steadily expanded from a relatively narrow segment of political opposition figures to encompass a broad collection of target groups, including human rights lawyers, ethnic minorities, Christians, women's rights advocates, liberal academics, and independent journalists.

Russia is much smaller than China in terms of population and economic might, but it has emerged as a leader of modern authoritarian innovation. Under Vladimir Putin, the Russian regime pioneered the capture of the media through state enterprises and oligarchic cronies, the adoption of laws designed to dismember civil society, the use of the judiciary as an instrument of political harassment, and, perhaps most importantly of all, the development of modern propaganda and disinformation.

Russia has also been in the vanguard of a relentless campaign against liberal values, and has moved relentlessly to export authoritarian ideas and techniques to other societies, both in neighboring

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Eurasian countries and elsewhere in the world. While today there is nothing that resembles the Comintern of Soviet times, authoritarian countries have developed an ad hoc network of cooperation that has proven effective at the United Nations and in regional bodies like the Organization of American States.

Adapting to survive

Modern authoritarianism matured as regimes sought to defend themselves against the sorts of civil society movements that triggered "color revolutions" in Georgia, Ukraine, and elsewhere in the early 2000s. On their own, formal opposition parties were relatively easy to marginalize or co-opt, and traditional mass media could be brought to heel through pressure on private owners, among other techniques. But civil society organizations presented a formidable challenge in some settings, as they were able to mobilize the public—especially students and young people—around nonpartisan reformist goals and use relatively open online media to spread their messages.

It is now a major objective of modern authoritarian states to suppress civil society before it becomes strong enough to challenge the incumbent political leadership. Yet whereas dissidents were dispatched to the gulag or explicitly exiled by the Soviets, or jailed and murdered by traditional dictatorships like Augusto Pinochet's Chile, today's activists are checked by NGO regulations that control registration and foreign funding, laws that allow arbitrary restrictions on public protest, and trumped-up criminal charges for key organizers that serve to intimidate others.

Modern authoritarianism has also devised special methods to bring the internet under political control without shutting it down entirely. While old-style dictatorships like Cuba long prevented the widespread use of the internet out of fear that online communications would pose a threat to the state's monopoly on information, modern authoritarians understood that a high rate of internet penetration is essential to participation in the global economy. However, once online media emerged as a real alternative to traditional news sources and a crucial tool for civic and political mobilization, these regimes began to step up their interference.

The Chinese government has developed the world's most sophisticated system of internet controls. Its so-called Great Firewall, a censorship and filtering apparatus designed to prevent the circulation of information that the authorities deem politically dangerous without affecting nonsensitive information, requires tremendous financial, human, and technological resources to maintain. Other regimes have not attempted anything approaching the scale of China's system, but some have constructed more limited versions or simply relied on inexpensive offline techniques like arrests of critical bloggers, direct pressure on the owners of major online platforms, and new laws that force internet sites to self-censor.

Alternative values

While modern authoritarians initially mobilized for defensive purposes, to thwart color revolutions or the liberal opposition, they have become increasingly aggressive in challenging the democratic norms that prevailed in the wake of the Cold War, and in setting forth a rough set of political values as an alternative to the liberal model. Examples of this phenomenon include:

1. **Majoritarianism:** A signal idea of many authoritarians is the proposition that elections are winner-take-all affairs in which the victor has an absolute mandate, with little or no interference from institutional checks and balances. Putin, Turkish president Recep Tayyip Erdoğan, and the Venezuelan chavista leadership all behave as if there are no valid controls on their authority, the opposition has no rights, and the system is theirs to dismantle and remake from top to bottom. Disturbingly, the leaders of some democratic societies have begun to embrace the majoritarian idea. The Hungarian prime minister, Viktor Orbán, has instituted a thorough overhaul of the country's constitution and national legislation with an eye toward measures that will insulate his party from future defeat.

2. **Sovereignty:** A number of governments have invoked the doctrine of absolute sovereignty to rebuff international criticism of restrictions on the press, the smothering of civil society, the persecution of the political opposition, and the repression of minority groups. They claim that the enforcement of universal human rights standards or judgments from transnational legal bodies represent undue interference in their domestic affairs and a violation of national prerogatives.

3. **Dictatorship of law:** Initially articulated by Vladimir Putin, this phrase has come to signify the adoption of laws that are so vaguely written as to

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give the authorities wide discretion in applying them to regime opponents. Such measures are typically paired with a court system that uses law merely to justify political instructions from the executive branch, making a mockery of due process and international conceptions of the rule of law.

4. **History revised:** A number of countries have undertaken a refashioning of history to buttress the legitimacy and aims of the current government. Historians and journalists are forbidden to cross certain redlines set by the authorities. In China, the state has prevented the publication of full, accurate, or critical accounts of the Great Leap Forward, the Cultural Revolution, or the Mao Zedong era in general. In Russia, Joseph Stalin has been rehabilitated. He is now officially portrayed as a strong if mildly flawed leader rather than as the man responsible for the deaths of millions of his own people. In Turkey, Erdoğan has decreed that high school students should study the defunct Ottoman language, challenging a nearly century-old reform linked to Mustafa Kemal Atatürk, modern Turkey's founder.[4]

5. **Democracy redefined:** It is a testament to the power of the democratic idea that authoritarian leaders around the globe have claimed the mantle of democracy for forms of government that amount to legalized repression. Even as they heap disdain on the liberal order, they have often insisted on the validity of their own systems as types of democratic rule. They even devise terms to describe their special variant, such as "sovereign democracy," "revolutionary democracy," or "illiberal democracy."

6. **Return of the leader for life:** Among the changes invariably instituted by modern authoritarians is the de facto or de jure removal of constitutional limits on presidential terms. Preventing the concentration of power in a single leader is a fundamental goal of democratic governance, but authoritarian propaganda has presented term limits as artificial constraints, associated them with foreign origins, and claimed that they do not suit every country's unique historical, cultural, or security conditions.

While these ideas may not amount to a coherent or complete ideology, they do form the basis for an impressive degree of collaboration and alliance-building that has brought together modern authoritarian regimes with significantly different economic systems, official creeds, and sources of political legitimacy.

A loose-knit league of authoritarians works to protect mutual interests at the United Nations and other international forums, subverting global human rights standards and blocking precedent-setting actions against fellow despots. With the formation of the Shanghai Cooperation Organization, Russia, China, and a number of Central Asian governments have come together to discuss common regime-security strategies.[5]

More disturbingly, modern authoritarians collaborate to prop up some of the world's most reprehensible regimes, apparently reasoning that the toppling of one dictator thins the herd, inspires imitation, and endangers them all. This is most visible in Syria, where Russia, China, Iran, and Venezuela at various times have offered diplomatic support, loans, fuel, or direct military aid to the regime of Bashar al-Assad.

Dashed hopes

Democracy recorded unprecedented gains during the 20th century's last decades. In 1975, Freedom House found that just 25 percent of the world's sovereign states qualified for the Free category; by 2000, the share of countries rated as Free had reached 45 percent.[6]

The numbers told an optimistic story, and a series of accelerating social trends suggested that the recent improvements would hold firm and expand as the new millennium dawned.

There was, to begin with, a strong identification of free societies with free markets. The degree of economic freedom varied from one society to the next, and corruption was a problem in practically all of the new democracies. But there was no longer a major bloc of countries that rejected capitalism, and practically every country sought to deepen their participation in the global economic system, as witnessed by the number of governments seeking admission to the World Trade Organization. Authorities in the United States and elsewhere predicted that as countries came to accept the rules of the game set down by the WTO, they would also be more amenable to accepting the norms of liberal democracy, including fair elections, freedom of expression, minority rights, and the rule of law.

A second development was the introduction of the internet and other digital media. In the wake of the collapse of the Soviet Union, communist governments in

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Eastern Europe, and military dictatorships elsewhere, there was an explosion of newspapers, radio and television stations, and other independent media with diverse editorial policies. But the internet in particular was seen as an irresistible force that could render censorship of any kind impossible. In 2000, President Bill Clinton compared China's efforts to control internet content to "trying to nail Jell-O to the wall."[7]

Third, a growing number of experts began to identify a new instigator of democratic change in global civil society. Unlike the "people's movements" of earlier decades, in which well-known leaders mobilized mass demonstrations and often insurrectionary violence with the goal of overthrowing despotic regimes, the phenomenon that was labeled civil society consisted of organizations that were often committed to a single cause or a few causes united by a particular theme. Most activists were young, with little prior involvement in politics, and many regarded themselves as part of a global effort to advance goals like reducing carbon emissions, empowering women, or fighting corruption.

In a prescient 1997 article, Jessica T. Mathews predicted that in the future global civil society would be the triggering force behind liberal change.[8] She suggested that in many cases civil society organizations would play a more important role than governments. Her words seemed prescient in light of later events in Serbia, where student activists organized a campaign that eventually brought about the downfall of President Slobodan Milošević in 2000, and in Ukraine, where young reformers played a pivotal role in ensuring that the 2004 elections were not stolen through fraud.

In declaring that dictatorships or even authoritarian methods were destined to succumb to this triad of new social forces, commentators were also expressing optimism about the universal appeal of liberal values. The decade after the end of the Cold War was a heyday for democratic ideas and norms. It was increasingly expected that countries would not only hold elections, but that their elections would meet international standards and be judged "free and fair." There was also an expectation that political parties would be able to compete on a reasonably level playing field, that opposition leaders would not be harassed or arrested, and that minorities would be able to pursue their agendas through normal political channels and not find it necessary to wage perpetual protest campaigns.

However, there were nagging questions. It remained unclear whether most societies would have access to multiple sources of political ideas, multiple interpretations of the news, and open scholarly inquiries about the past. Would there be honest judicial proceedings, especially in cases with political implications? Would property rights be secure?

Beyond these primarily domestic issues, there was another series of questions related to individual governments' relations with their neighbors and the rest of the world. The end of the Cold War had brought a peace dividend, both financial and psychological, for all sides. At the time, most assumed that peace would prove durable. But would the general decline in military budgets hold? Would the new national boundaries that divided the former Soviet Union and the former Yugoslavia be sustainable?

As modern authoritarianism has taken root and expanded its influence, the answers to these questions are increasingly negative.

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Chapter 1

Validating Autocracy through the Ballot

A major difference between modern authoritarian systems and traditional dictatorships lies in the role of elections for parliament and head of state.

Twentieth-century dictatorships often dispensed with elections entirely or conducted them under blatantly fraudulent conditions. In the Soviet bloc, elections were a pointless ritual in which citizens were pressured to go to a polling place and cast ballots for the Communist Party candidate, the only one permitted to compete. Military and postcolonial dictatorships often canceled elections on spurious "national emergency" grounds, or rigged the outcome through crude ballot-stuffing and open intimidation.

At a certain point in the 1980s, however, the strongmen, juntas, and revolutionary councils of the era realized that reasonably fair elections could no longer be avoided. Sometimes a ruling group understood that this would likely lead to an opposition victory. But usually, the incumbent leaders—and often foreign journalists and diplomats—presumed that voters in repressive settings preferred stability to uncertainty and would opt for the reassuring faces of authority.

These calculations proved wildly misplaced. Opposition parties swept to victory in country after country—in Uruguay, Argentina, Nicaragua, South Korea, the Philippines, Poland. The word "stunning" made a frequent appearance in news accounts, as in the stunning rejection of the ruling party in Poland, or the stunning setback suffered by Chile's Augusto Pinochet in a referendum on the continuation of his dictatorship. Or, perhaps most astonishing, the stunning defeat of Communist Party stalwarts in a number of Soviet cities in 1990 local elections.[1]

Elections became a key force behind the wave of democratization that engulfed much of the world during that decade. Today, the obligation to hold some form of multiparty balloting is felt by nearly all governments.

The illusion of pluralism

Yet just as with other democratic institutions, modern authoritarians have mastered the techniques of control over the electoral process, maintaining political dominance behind a screen of false diversity.

They have adapted in many ways to the age of the internet and the expectations of a better-informed public. In the most sophisticated authoritarian states, professional political operatives—in Russia they are called "political technologists"—work just as hard as their counterparts in the United States. Their goal, however, is not to defeat opposition candidates in a competitive setting, but rather to organize a system that creates the illusion of competition while squelching it in reality.

> "We're not perfect. But we do have democracy."
>
> **—Hugo Chávez**
>
> "Yes, we falsified the last election.... In fact, 93.5 percent [of ballots were] for President Lukashenka. People say this is not a European result, so we changed it to 86 percent."
>
> **—Alyaksandr Lukashenka**

In most countries, elections are largely "free and fair," meaning the playing field is reasonably level, there is an honest tabulation of the ballots, vote buying and ballot stuffing do not change the outcome, and independent election observers are allowed to monitor the proceedings. For 2015, *Freedom in the World* placed the number of electoral democracies at 125, around 64 percent of the world's sovereign states.[2] By historical standards, this is an impressive figure. Still, there are 70 countries that do not qualify as electoral democracies. In all but a few of these settings, elections are indeed held, but they are either badly flawed or patently dishonest.

Yet even in systems where elections are tainted or fixed outright, authoritarian leaders often claim legitimacy from the ballot box. Of the countries assessed in this study, only China rejects elections as part of the leadership's strategy for political control. In Russia, Turkey, Venezuela, and elsewhere, the leadership invokes victory at the polls as a mandate for government, including the adoption of policies that are in fact deeply unpopular.

In some authoritarian states, elections are neither free nor fair, with heavy manipulation that directly ensures

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the ruling party's dominance. But in other settings, elections are held under conditions that are relatively free but effectively unfair. That is, the electoral playing field is tilted to favor the incumbents, though the balloting itself is not fixed and remains somewhat unpredictable. In illiberal environments like Hungary and Turkey over the past five years, prospects for an opposition victory are remote, but not out of the question. Even in a quasi-dictatorship like Venezuela, the opposition can score impressive victories in parliamentary elections and mobilize competitive campaigns for the presidency.

A display of supremacy

In December 2011, members of the Russian opposition obtained video evidence of ballot stuffing committed by operatives from Vladimir Putin's United Russia party in that month's parliamentary elections. A series of unusually large protests ensued. Putin weathered the furor and went on to win a presidential poll the following year. But for a brief period, Putin lost control of Russia's political narrative and was placed on the defensive. He seemed angry and rattled, and subsequently blamed the turmoil on the United States, claiming that statements by then secretary of state Hillary Clinton were meant as a signal to the opposition to launch a color revolution in Russia. (The theme of Clinton as the puppet master behind a plot aimed at regime change in Russia was revived during the 2016 U.S. presidential campaign, when the Russian media displayed a clear preference for Republican candidate Donald Trump and disdain for Clinton.[3])

For Putin, the events of late 2011 and early 2012 were evidence of weakness and political incompetence. A ruling party whose triumph requires that party members be ferried by bus from one voting district to another to cast multiple ballots is, by today's authoritarian standards, a party that has grown careless and lazy. Authoritarian rulers today seek to fix outcomes well before election day through laws and policies that embed unfairness at every level.

These leaders take a measure of pride in election victories, even if the results were secured through dishonest methods. They are held up as demonstrations of political mastery rather than neutral measurements of public preference. Putin's victories at the polls enable him to reject comparisons with Leonid Brezhnev and other doddering, defensive Soviet-era leaders. Likewise, Hugo Chávez boasted that unlike the colonels and generals who ruled over South American dictatorships during the 20th century, his tenure as president of Venezuela was sanctified by no fewer than 17 elections, including a number of referendums. Chávez won all but one.[4]

There are, of course, examples of elections whose outcome resembles the obviously rigged results in totalitarian or junta-like settings. Eurasian presidents such as Azerbaijan's Ilham Aliyev and Belarus's Alyaksandr Lukashenka have repeatedly won elections with over 80 percent of the vote, and others have easily broken the 90 percent barrier. The ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won every seat in the most recent parliamentary polling.[5]

However, more sophisticated autocracies try to manage elections so as to maintain a pluralist façade and hide evidence of systematic fraud or intimidation. In Russia, nominal opposition parties usually garner a significant share of parliamentary seats. But all defer to Putin as the country's unchallenged leader and typically vote according to his wishes on key issues.[6] Genuine opposition forces that seek to win political power are not tolerated, particularly if they champion liberal values. Putin has long sought to prevent the rise of a democratic opposition that could raise embarrassing questions about systemic corruption, foreign interventions, or economic stagnation.

State media and state resources

Predetermining ballot results depends both on the rules and regulations that govern the administration of elections and on the regime's control of other assets that can influence the outcome.

Control of the media is crucial. The methods of modern censorship are examined in more detail in another section of this report. But when a would-be authoritarian leader assumes power, one of the first goals is to secure domination over whichever sector of the media has the greatest impact on public opinion and therefore on voting behavior.

The first clear indicator of Putin's authoritarian bent was his aggressive move to eliminate independent ownership of Russia's major television stations. Through various forms of intimidation, the new president persuaded private media moguls to surrender ownership to the state, state-owned corporations, or political cronies. Television thus became a propaganda vehicle for Putin and a potent weapon against his critics, who have since been mocked, vilified, or ignored on the nation's most important medium. All this occurred within a few years after his election as president in 2000.

In Venezuela, Chávez used his authority over media licensing to destroy Radio Caracas Television (RCTV), a popular broadcast station that was aligned with the

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opposition. Other critical voices in television and print media later faced legal suits, regulatory harassment, and withdrawal of advertising revenue until the owners agreed to sell their holdings to business interests that were on more friendly terms with the regime.[7]

A prominent theme that runs through authoritarian media is the imperfect nature of electoral processes in the leading democracies, especially the United States. The goal is less to portray elections in Russia, Venezuela, or Iran as paragons of democratic practice than to muddy the waters—to make the case that countries like the United States have no right to lecture others on democracy, and that perhaps all elections are equally flawed. The Kremlin's chief propagandist described the 2016 U.S. election as "so horribly noxious that it only engenders disgust towards what is still inexplicably called a 'democracy.'"[8]

A second important instrument in authoritarians' election toolbox is the state itself. During his period as Venezuela's president, Chávez became a master at using state money and manpower to ensure voter loyalty. In the 2012 election, the last before his death, Chávez is estimated to have invested billions of dollars in state resources, including giveaways of household goods to ordinary citizens, in a rather unsubtle vote-buying campaign.

That election vividly illustrated the powerful interplay of state media and state resources in undemocratic settings, and it is worth examining in greater detail. Superficially, it seemed reasonably consistent with democratic standards. The voting itself took place without serious violence or major complaints of irregularities. But to a substantial degree, the results were shaped by the regime's actions well before the ballots were cast.

Chávez had by that time secured an iron grip on the media. Through the state or political allies, he controlled six of the eight national television stations and about half of the country's radio stations. In some regions, he commanded a virtual information monopoly. The opposition was effectively shut out of the Chávez-aligned outlets, earning mention only as cartoonish villains.

The incumbent benefited especially from a practice whereby all radio and television stations are obliged to preempt normal programming to accommodate the president's speeches to the nation. During 2012, Chávez took advantage of this tool to fill 100 hours of broadcasting, 47 of them in the 90 days prior to the election. Aurelio Concheso, an analyst with Transparency Venezuela, placed the value of this free airtime at $1.8 billion. Another government mandate required radio and television stations to broadcast 10 state messages of 30 seconds each on a daily basis; the messages, not surprisingly, dovetailed with the arguments of the Chávez campaign. Concheso estimated the value of this free airtime at $292 million. In addition, the government spent an estimated $200 million on advertising with private radio and television stations. By contrast, the opposition had access to five minutes of airtime a day, at a cost of $102 million. The opposition was thus limited to an incredible 4 percent of the airtime enjoyed by Chávez.

Meanwhile, according to Concheso, the state oil company spent some $20 billion on gifts of home durable goods, apartments, and outright cash subsidies to purchase the allegiance of Venezuelan voters and underscore the message that without Chávez, this largesse would dry up.

Finally, a measure of fear was introduced through a campaign suggesting that although the balloting was secret, the government had ways of ascertaining a voter's choice. The threat had a special effect given public memories of an episode in 2004, in which those who signed a petition for a referendum to remove Chávez from office were blacklisted and excluded from government jobs, benefits, and contracts.

Favored tactics

The following are among the other tactics deployed by modern authoritarians to ensure success at the polls:

1. **Intimidating the opposition:** Opposition leaders are only occasionally targeted for assassination. But they can face a variety of other cruel fates. Wealthy businessman and opposition supporter Mikhail Khodorkovsky was dispatched to a Russian prison for 10 years for daring to challenge Putin. In 2017, anticorruption campaigner Andrei Navalny, widely regarded as the most serious challenger to Putin, was effectively eliminated from the 2018 presidential contest after being convicted in a trumped-up embezzlement case.[9] In Malaysia, opposition leader Anwar Ibrahim has twice been convicted and jailed on sodomy charges. Prominent political figures have also been jailed in Belarus, Venezuela, Iran, Ethiopia, Turkey, and Egypt, among many others. Human rights activists and bloggers are also subject to harassment and persecution. They are frequently jailed on trumped-up charges of defamation, tax fraud, or drug trafficking, among others.

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2. **Marginalizing the opposition:** As noted above, authoritarian leaders use their media power to paint critics as knaves or buffoons. Especially through television coverage, opposition figures are presented as clownish, effeminate, shady, elitist, or enslaved by foreign interests. The message is pounded home day after day, until the image of the opposition as small and unfit to rule is fixed in the public's mind.

3. **Tolerating the pseudo-opposition:** Having jailed, exiled, or silenced potentially competitive opposition figures, authoritarians tolerate nominal opposition parties that are effectively controlled by the regime. These groups have accepted the supremacy of the incumbent leadership and settled into their roles in a stage-managed democracy.

4. **Criminalizing protest:** The crippling of formal opposition parties leads many voters to channel their dissent into loosely organized civic activism, often relying on protests to mobilize support and reach the broader public despite state control of the media. Authoritarian governments have responded by adopting harsher laws on public assembly, enabling them to jail protest leaders and even ordinary participants for vaguely defined offenses like disturbing public order and gathering without a permit. Protesters can also be imprisoned on trumped-up charges, such as assaulting a police officer or possessing a weapon. This discourages others from joining the civic movements and prevents them from growing into organized political forces.

5. **Discarding term limits:** Term limits designed to prevent the concentration of power in one individual have been rolled back, circumvented, or removed altogether in Venezuela, Nicaragua, Bolivia, Russia, Belarus, Kazakhstan, and many other countries over the past 15 years.[10] Endless incumbency denies opposition forces an opportunity to win over both voters and elements of the ruling establishment that may be ready for new leadership. It also promotes personal loyalty at the expense of public service, stunts the development of possible successors, reinforces the impression that only the current leader is fit to govern, and feeds a self-perpetuating fear of political change.

Returning to old habits

While modern authoritarian regimes have generally maintained some illusion of pluralism as one of their main concessions to the post–Cold War international order, a number of governments have been less attentive to this priority, drifting back toward the electoral tactics, and lopsided results, of 20th-century dictatorships.

In Belarus, the election of just two members of the opposition to the rubber-stamp parliament in 2016 was actually regarded as a step forward from the 2004, 2008, and 2012 balloting, in which no opposition candidates won seats. Lukashenka, in power since 1994, was accused of directing an assassination squad prior to the 2001 presidential election. Four politicians and journalists who had been critical of the incumbent disappeared prior to the vote. After Lukashenka won another term in a deeply flawed 2010 election, the authorities arrested over 700 protesters, including seven of the nine opposition presidential candidates. The regime later sentenced three of the former candidates to prison terms.[11]

Ethiopian opposition members were beaten and arrested during the 2015 electoral campaign. The Semayawi Party reported that more than 50 of its members were arrested ahead of the polls, and nearly half of Semayawi candidates were deregistered on administrative grounds. The ruling EPRDF and its allies took all 547 seats in the lower house. The 2010 elections were also tightly controlled, with local officials or neighborhood militia going door to door and verifying that residents had registered as members of the EPRDF. Voters were threatened with the loss of their jobs, homes, or government services if they did not turn out for the party. The most charismatic opposition figure, the leader of the Unity and Justice Party, Birtukan Mideksa, remained in prison during the election, in which opposition candidates took only two seats.[12]

The possible motivations for retrograde electoral abuses vary from country to country, but authoritarians may feel emboldened to drop their quasi-democratic camouflage due to the lack of diplomatic repercussions for such actions. The European Union and the United States have criticized Belarus as "Europe's last dictatorship," but they always seem willing to give Lukashenka another chance to improve relations based on the thinnest hopes of reform. Democratic powers have treated Ethiopia as a counterterrorism ally and a model of rapid economic development, granting it billions of dollars in foreign assistance.

Elections and democratic renewal

Whether through blatant repression or less obvious methods, modern authoritarians seek to control the

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outcome of elections. They need to hold votes to validate their rule, but they also recognize the risk involved, as elections remain a potent instrument of democratic renewal even in deeply troubled societies.

The events of late 2014 and 2015 include vivid reminders of the power of the ballot. In Nigeria, Africa's most populous country and largest economy, voters who were fed up with governmental complacency, terrorism, and graft rejected the incumbent president, Goodluck Jonathan, and elected Muhammadu Buhari to replace him. In Myanmar, a huge turnout produced an overwhelming victory in parliamentary elections for longtime opposition leader Aung San Suu Kyi and her National League for Democracy (NLD), a remarkable turnaround in a country that until recently ranked among the world's most repressive.

Voters in Sri Lanka ousted their increasingly authoritarian and divisive president, Mahinda Rajapaksa, in favor of Maithripala Sirisena. Upon taking office, Sirisena immediately overturned some of Rajapaksa's repressive policies and began repairing relations with both the country's Tamil minority and the international community. And in Argentina, opposition candidate Mauricio Macri won the presidency by defeating the nominee of incumbent Cristina Fernández de Kirchner, who with her late husband, Néstor Kirchner, had dominated the executive branch for over a decade. Combined with a victory for the democratic opposition in Venezuela's parliamentary elections, Macri's victory may have been the beginning of a rollback of Latin America's populist movements, which had previously made impressive gains across the region.[13]

Voters in these countries retained faith in the democratic process even after experiencing hardship after hardship, including military rule (Myanmar), civil war and authoritarian rule (Sri Lanka), a terrorist scourge (Nigeria), economic collapse and political repression (Venezuela), and economic setback and unaccountable government (Argentina). They prevailed despite, in some cases, an electoral playing field tilted sharply against the opposition; in other cases, a history of political violence; and in still other cases, apprehensions about what lies ahead when dictatorships give way to normal politics.

Some of these voters were also rejecting political figures who had publicly disdained the world's democracies and drawn closer to authoritarian powers like Russia, China, and Iran. They were willing to listen to candidates who talked about the rule of law, freedom of expression, and the right to be free of payoffs and bribes, and they were unimpressed by those who blamed every step backward on foreign plots.

There will always be dictators and would-be leaders for life who grow overconfident, lose touch with the mood of their people, and fail to do what it takes to ensure victory at the polls, as apparently occurred in The Gambia in late 2016. But the rest can be expected to learn from such mistakes and invest the necessary resources in a false mockery of democratic suffrage.

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Chapter 2

Propaganda at Home and Abroad

The following propositions have all appeared in the Russian media over the past few years:

- The United States hired Islamic State terrorists to sabotage the Russian commercial airliner that was destroyed after takeoff in the Sinai in 2015.
- A three-year-old boy was crucified by the U.S.-backed Ukrainian army in Slovyansk in 2014.
- The United States is planning a major war in Europe to enable Washington to cancel its national debt.
- The downing of the Malaysian airliner over eastern Ukraine in 2014 was in fact the central ingredient in an elaborate, American-driven plot to place blame on Russia.
- American policies will lead to a global "homosexual sodomite tsunami."

This is just a small sample of similar claims or conjectures that have made their way into Russian news coverage, especially in the wake of Moscow's occupation of Crimea and invasion of eastern Ukraine. They stand as a reminder that under Vladimir Putin, the Russian media environment has been transformed from one marked by vibrancy and diverse opinions (if not high professional standards) to one dominated by blatant propaganda on the most sensitive international topics of the day.

The basic regime narrative of U.S.-led conspiracy is applied to a broad set of themes: depression in oil prices, downgrading of Russia's credit ratings, political change in Ukraine, Russia's Olympics doping scandal. Every problem, Russians are told, is due to American plots and maneuvers.

Press freedom and democracy

A free press ranks among the most critical institutions of liberal democracy. Among the reforms introduced by Mikhail Gorbachev in his campaign to modernize the Soviet system, *glasnost*, or openness, played the most important role in challenging the decades-old system of Soviet totalitarianism. Something similar can be said of press freedom initiatives in other new democracies during the latter part of the 20th century, particularly in postcommunist societies where strict press censorship had prevailed for years. Even if the professionalism and ethical standards of journalism in those countries were not always up to the highest levels, the fact that the press spoke with different voices, different opinions, and even different biases was a huge step toward a world in which democracy was the norm.

> "If the 20th century was defined by the battle for freedom of information and against censorship, the 21st century will be defined by malevolent actors, states or corporations, abusing the right to freedom of information for quite other ends."
>
> **—Vasily Gatov, media analyst**

> "Information wars have already become standard practice and the main type of warfare. The bombers are now sent in after the information campaign."
>
> **—Dmitry Kiselyov, chief Russian propaganda strategist**

Authoritarians push back

It is precisely because of press freedom's central importance to democracy that the new generation of authoritarian leaders has made its annihilation a top priority. However, modern authoritarians recognize that the methods of the print and analog broadcast era—prepublication censorship and stilted, formulaic propaganda—were no longer viable in the age of digital media and globalization.

At a minimum, governments that sought involvement in the world economy found it advisable to tolerate a measure of openness about budgets, economic data, and those aspects of social life that are critical for international business. Authoritarian leaders thus face the dilemma of retaining domination over the political story while permitting a degree of accurate information about economic affairs.

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Furthermore, because the population now has greater access to foreign sources of news and entertainment, regimes must grapple with the complex task of monopolizing the political discourse in ways that are far more convincing and compelling than the robotic pronouncements that played such a crucial part in communism's loss of credibility.

As is the case with so much of modern authoritarian practice, Russia has taken the lead in developing strategies and methods of media domination. The system built under Vladimir Putin is defined by the following characteristics:

1. **Control over the commanding heights of the media:** Among Putin's first goals as president was securing domination of the most influential media—the national television stations. They had been controlled by various oligarchs, who used the outlets to promote their personal and political interests. While the resulting journalism was hardly objective and independent, Russian television and Russian media generally were notable for their liveliness and diversity during the presidency of Boris Yeltsin. All did not sing out of the same hymnal, and most influential outlets reflected a variety of opinions about government policies, including the Kremlin's conduct of the war in Chechnya.

   Putin moved quickly to change these conditions. He reorganized and exerted tighter political control over state-owned television stations, brought others under indirect state control, and ensured that most of the remainder fell into the hands of loyal businessmen. Likewise, a number of the country's leading newspapers and journals were bought by cronies of the leadership. The era of media diversity came to an abrupt end.[1]

2. **Distortion of coverage on sensitive topics:** Unlike in communist times, the media do provide independent coverage of topics that the Kremlin considers less politically relevant. However, some normally apolitical topics can take on a highly political meaning. For example, coverage of the penalties meted out to Russian Olympic athletes for systematic doping reflected the leadership's position that the scandal was a product of American machinations.[2]

3. **Shrinking gap between offline and online media:** For much of Putin's tenure, the internet remained lightly regulated in comparison with the Kremlin's tight control over television and other mass media. However, Freedom House has noted growing restrictions over the past several years, with a series of new laws, prosecutions, and ownership changes that have reduced the Russian internet's freedom and diversity in practice.[3]

4. **A small stable of independent outlets:** A token number of media outlets are allowed to remain independent at the sufferance of the Kremlin. These include the newspaper *Novaya Gazeta*, the indirectly state-owned radio station *Ekho Moskvy*, and a handful of internet-based news services, some of which are forced to operate from neighboring countries. Coerced ownership changes and other forms of pressure have gradually reduced the already tiny independent media sector in recent years. And the remaining independent outlets have little reach, small audiences, and at best modest impact on domestic politics.

5. **The 'weaponization' of information:** While Putin has used the press as a propaganda instrument throughout his political career, it was after his third term as president began in 2012 that the media were given a special, central role in demonizing Putin's critics, preparing the Russian people for armed conflict in Ukraine and elsewhere, depicting Europe as morally corrupt, and attributing Russia's problems and setbacks to the United States.[4] With the invasion of Ukraine in 2014, the world awakened to the return of propaganda as an instrument of warfare. This is not just normal political spin or public diplomacy, but sheer, raw propaganda that deliberately crosses the line between interpretation of facts and outright mendacity. The aim is both to stir up belligerence at home and to isolate, confuse, and demoralize the enemy.[5]

6. **The centralization of information policy:** The creation in 2013 of Rossiya Segodnya, an umbrella organization for Moscow's foreign news services, signaled the leadership's intention to use information in a more strategic way to advance the country's international objectives. Dmitry Kiselyov, a controversial television presenter, was named to head the new entity.[6] He actually embraces his identity as the Kremlin's chief propagandist, arguing that "Western" concepts

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of journalistic neutrality are fraudulent and self-serving. There is, he contends, no difference between his role and the role of a chief editor of Reuters or the Associated Press. In one interview, Kiselyov equated those two news services with Rossiya Segodnya: "Both are propaganda agencies—they shape the dominant narrative and tell their audiences what and how to think." He continued: "In today's world, information—how it is gathered, analyzed, interpreted and processed ... pushes a value system, certain views on good and evil, and shapes attitudes to different events."[7]

7. **The irrelevance of truth:** "For the Soviets, the idea of truth was important—even when they were lying," Peter Pomerantsev has written. "Soviet propaganda went to great lengths to 'prove' that the Kremlin's theories or bits of information were fact." By contrast, in today's Russia the idea of truth is seen as irrelevant and "the borders between fact and fiction have become utterly blurred." Pomerantsev quotes Russia's deputy minister of communications as admonishing journalism students at Moscow State University to forget about high ideals. "We should give students a clear understanding: They are going to work for The Man, and The Man will tell them what to write, what not to write, and how this or that thing should be written."[8] Russian propaganda outlets, especially RT, derive their influence from a clever blend of act and faction, mixing reports on genuine events with exaggerations, biased coverage, and outright lies. And this mixture of fact and fiction is presented with modern production techniques that mimic credible outlets like the BBC.

Propaganda works

The idea that governments can influence events through propaganda once seemed far-fetched in the internet age. Developments in Ukraine, however, have spurred a reassessment of propaganda's role in setting the stage for intervention abroad and repression at home.

According to numerous accounts in the international media, many Russians believe that the Ukrainian government is responsible for massive war crimes, including the crucifixion of small children and the downing of the Malaysian Airlines passenger jet.[9] Many of the wildest assertions have been reinforced by altered or repurposed images that allegedly depict Ukrainian atrocities but actually show events in Mexico, Syria, Iraq, or other zones of civil conflict. Ordinary Russians and many Ukrainian consumers of Russian media have told foreign journalists of fears that "fascism" has come to power in Ukraine.[10]

In George Orwell's dystopian novel *1984*, the Ministry of Truth advanced what today would be called a regime narrative, with accounts of never-ending conflict abroad and treasonous enemies within. In similar fashion, though with considerably more finesse and sophistication than was described in Orwell's masterpiece, Russian media today preach a strident message of external encirclement by Russophobes in Ukraine, the Baltics, Georgia, and elsewhere, and internal fifth-columnists among bloggers, civil society organizations, and advocates of gay rights.

The media in democracies, especially in Europe, proved unprepared for the deluge of Russian propaganda during and after the seizure of Crimea. Putin was thus able to drum home the portrayal of Ukraine as a "divided state" or an "artificial state," labels that could be attached to many sovereign nations, Russia included.[11] Few were ready to mount a challenge to the Russian proposition that Ukraine's status was unique, and was a legitimate cause for Russia's concern and even a justification for war. The Russian propaganda machine also zeroed in on Ukraine's supposed lack of respect for minority rights, a problem that Moscow had not raised during the administrations of Viktor Yanukovych or Leonid Kuchma. Neither Ukrainians nor informed observers in the outside world believed that Ukraine was faced with a civil war. This was entirely a creation of Moscow's propaganda and active intervention.[12]

Russia's government is not alone in its use of propaganda to further its interests. But it is uniquely aggressive in pressing the dominant theme of the moment and the most effective in mimicking the idioms of modern commercial media while doing so. Furthermore, as the country faces serious decay in economic and other material terms, the Kremlin sees success in the war of information as critical to Russia's identity as a great power. Other authoritarian regimes will take note of Russia's successes, and act accordingly.

In past eras, dictators' instrument of choice was censorship. However, people understood that they were being cheated when the authorities banned books and prosecuted those who possessed "unauthorized literature." Under a modern propaganda regime,

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alternative perspectives are permitted on a carefully rationed basis. But dissenting opinions are invariably subjected to relentless attack and ridicule, and the dissidents themselves face a form of character assassination in which their views are twisted to make them appear foolish, extreme, unpatriotic, or immoral.

Christopher Walker, a vice president at the National Endowment for Democracy who has written extensively on modern authoritarianism, believes that control of information is the most important achievement of today's generation of autocrats:

> I think modern authoritarians have been adept at adjusting to the new environment. They recognize that trying to control the wealth of information out there is impossible, and therefore they don't try. There are a number of countries which have found effective ways to incorporate entertainment and culture into their media offerings while keeping domination over the political sphere. They have thus defied the assumptions we held 20 years ago when the internet was emerging. The conventional wisdom then was that the internet guaranteed media diversity, and there is no way regimes could keep the genie in the bottle. In fact, in many countries authoritarians have kept the genie in the bottle through managing the political narrative and denying people access to key information.[14]

Walker's comments certainly apply to conditions in Russia. During the communist period, Soviet propaganda was meant to justify both state socialism and Russia's isolation from the global economic system and Western culture. In Russia, China, and elsewhere, it is now possible for citizens to enjoy the latest international music, fashion, and entertainment while hating the liberal values that are systematically disparaged in the media.

What is tragic about all this is that Russians already came through a decades-long period of propaganda in which reality was twisted and lies circulated as a conscious matter of national policy. Orwell and other foes of totalitarian rule sought to describe the danger that propaganda and censorship posed to knowledge, reality, and independent thought. But instead of things getting better after the demise of totalitarianism, a newer and in some ways more insidious form of information control has emerged, one which does not so much try to persuade people that the government line is the only correct line, but that facts do not exist as such and nothing can be believed.

China: 21st-century censorship

The Chinese model of information control differs in crucial ways from the propaganda methods favored by Russia. Especially in its policies towards the internet, China focuses its energies on preventing access to information or news on a wide and perpetually evolving range of subjects that the ruling Chinese Communist Party (CCP) regards as sensitive.

Under Xi Jinping, who took power in late 2012, the government has been much more open in arguing for the right of the political leadership to censor internet content. He has, in fact, launched a campaign designed to radically redraw the global rules on internet freedom so as to enshrine the concept of "internet sovereignty," according to which individual countries would "independently choose their own path of cyber development" and "model of cyber regulation."[15]

In late 2015, Xi also made the baffling statement, "Freedom is what order is meant for, and order is the guarantee of freedom."[16] Over the next several months, regulators moved to enforce the president's vision for tighter CCP control over all news media and imposed rules that further restricted the production of independent news content by online outlets.[17]

Perhaps most important have been the threats to the livelihood and personal liberty of bloggers and online commentators. In recent years, the state has pursued a campaign of arrest, prosecution, and public humiliation directed against well-known microbloggers and other media personalities, including a series of televised "confessions." The machinery of repression was directed against those who had used their platforms to criticize the leadership or its policies, and to a disturbing extent, the effort has been successful in silencing such criticism.

Among other recent developments in the CCP's censorship drive:

- The authorities have punished journalists for publishing news about the economy that highlighted negative trends, and issued media directives aimed at shaping coverage of economy-related topics. The economy was the second most censored topic in China in 2015, a year that featured a dramatic stock-market crash and slowing economic growth.[18]

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- Chinese censors sent out guidelines listing subjects that should not be covered or not covered in a negative way during parliamentary sessions in 2016. Included on the list were the wealth of parliamentary delegates, military budgets, compliance with international human rights conventions, air pollution, church demolitions, and jokes about parliamentarians' proposals.[19]

- Censorship officials quashed coverage of the "Panama Papers," the trove of documents leaked in 2016 that listed the offshore holdings of the global elite, including the relatives of top Chinese officials.[20]

- China added Time and the Economist to the list of blocked media websites in 2016, apparently in retaliation for articles that were critical of Xi Jinping's accumulation of power.[21]

- In February 2016 visits to China Central Television (CCTV), the Xinhua news agency, and the People's Daily newspaper—the flagships of the party and state media—Xi admonished the assembled journalists to give absolute support to the party leadership and later declared that all media should "have the party as their family name."[22]

While critical voices can still be found on the internet, the authorities have been highly successful in suppressing material that might lead to any broad form of online protest or collective action. In addition to intrusive laws and regulations, the regime deploys armies of paid and volunteer commentators to flood social media with progovernment remarks, influence online discussions, report or attack those who make antigovernment comments, or sow confusion about particular incidents that might reflect poorly on the leadership.[23]

The overall goal of this strategy is to weaken the internet's potential as a mobilizing force for critics or reformers. Indeed, after years of intense pressure, the medium is drawing closer to Xi Jinping's ideal of an internet that is "clear and bright."[24]

Global reach

Both Russia and China have launched ambitious and expensive projects to expand the reach of propaganda and censorship beyond their borders. Russia's project is better known due to RT, a global television network that is available to foreign audiences in a number of languages and through many cable packages. Russia has also launched Sputnik, an international news service, in multiple languages. These outlets tend to be more effective than China's at imitating the production styles and intentionally contentious formats now employed by many major outlets in democratic countries.

The degree to which RT and other arms of the Russian global media apparatus actually influence the debate about Russia is unclear. RT makes grandiose claims of high viewership, but some analysts believe that its audience in the United States and elsewhere is much lower than asserted, and that its sizeable audience on YouTube may be inflated by enticing video clips with little political relevance.[25]

When it was launched in 2005, RT's programming stressed the achievements of Russia and the strong leadership of Vladimir Putin. Subsequently, the focus changed to negative messages about the West, especially the United States. Programs have chronicled American poverty, inequality, political hypocrisy, racial injustice, and other real or perceived flaws. The network often promotes conspiracy theories about everything from the destruction of New York's World Trade Center in 2001 to America's alleged role as puppet master behind the Ukrainian protest movement of 2013–14.[26]

Superficially, China's overseas propaganda efforts seem less aggressive. While Beijing has greatly expanded the capacity of CCTV's international broadcasts and opened media offices around the globe, the news content is less polemical and therefore less interesting than that of RT.

But the CCP's ultimate objectives may actually be far more ambitious. Rather than engaging, like Russia, in what amount to guerrilla-style attacks on mainstream news and information abroad, the Chinese regime is using its superior economic muscle to steadily gain control over how China is depicted in news coverage and popular culture in the rest of the world, and to establish something of a consensus on the idea of a "sovereign internet."

Its various tactics include state pressure on foreign correspondents tasked with informing the world about developments in China: Those who are too critical or too aggressive in conducting investigations into sensitive matters may find their visas revoked, their outlet's website blocked, and their employers placed in a sort of political purgatory.[27]

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The CCP has also asserted control over news outlets in Hong Kong, Taiwan, and Chinese diaspora communities around the world.[28] Beijing has used pressure tactics and exerted influence through intermediaries to change editors or owners of critical outlets in Hong Kong.[29] Wealthy progovernment forces from the mainland have begun to buy up media outlets in Hong Kong and elsewhere.[30] And there have been instances in which businessmen with economic interests in China have attempted to expand their media holdings in Taiwan.[31]

Perhaps more disturbing is China's effort to purchase influence in global culture through its state-affiliated and nominally private companies. For example, Visual China Group, a mainland company, has purchased the image and licensing division of Corbis, a company that controls a huge archive of historically important photographs. The trove includes iconic photographs of the 1989 Tiananmen Square demonstrations, which CCP censors have worked hard to keep out of the Chinese media. Those involved in the sale offered assurances that the new owners would not hinder the global circulation of politically sensitive images, but there is little to prevent them from casting aside such pledges at some future date.[32]

Another Chinese company, Dalian Wanda Group, has raised concerns with its rapid incursions into the U.S. film industry. Already the world's largest owner of cinemas, including the second-largest U.S. theater chain, Wanda purchased Legendary Entertainment, a production company, in 2016 and is said to be interested in gaining control of a major Hollywood studio. American lawmakers were sufficiently disturbed by Wanda's initiatives to request a Justice Department investigation. There is concern that China's companies, with state encouragement, are pursuing influence in Hollywood to ensure a favorable depiction of China and its CCP regime in major films.[33] Even with studios under U.S. ownership, the international media have repeatedly uncovered cases in which U.S. filmmakers altered elements of their work to address or anticipate the objections of Chinese censors, who serve as gatekeepers to the country's lucrative domestic market.[34]

Exploiting democratic culture for authoritarian ends

Ironically, some products of democratic culture have facilitated the work of modern authoritarian propagandists. The notion that there is no such thing as objective truth and that history is nothing more than a contest of competing narratives owes its popularity to radical theorists who have gained a strong foothold in academia and even among some who call themselves journalists, such as Glenn Greenwald.

While accusations that the press is biased or publishes lies are common in American political campaigns, the hysterical charges hurled by Donald Trump against the media during the 2016 presidential campaign served to reinforce the Kremlin's model of a world in which the truth is determined by power rather than impartial investigation.

Moscow especially makes shrewd use of an unfortunate journalistic habit in which evenhandedness—a worthy goal when presenting two sides in a genuine debate—is improperly applied, so that patently false assertions are treated as symmetrical with legitimate views or facts.

Many outside Russia would not disagree with Kiselyov's dismissive views on the concept of impartial reporting. In meeting the challenge of authoritarian propaganda, a good place to start would be a reaffirmation of the central role occupied by high-quality, traditional journalism in democratic societies.

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Chapter 3

The Enemy Within: Civil Society at Bay

Among the more surprising developments in 21st-century politics are the reversals experienced by civil society, once regarded as an irresistible force in the global struggle for democracy.

According to *Freedom in the World*, the ability of nongovernmental organizations (NGOs) and other civil society institutions to function without state restrictions has suffered a pronounced decline over the past decade. The setbacks have been concentrated in authoritarian states like Russia, China, Venezuela, and Iran. But civil society has also met with growing problems in democracies—India and Indonesia among them—and in settings where democracy's prospects are unclear, as with Ecuador, Hungary, and Kenya.

The growing offensive against civil society is in many respects a tribute to the prominent role that NGOs have come to play in the political life of most countries. An active civil society is often seen as a formidable threat to a repressive or illiberal status quo. Civil society was the linchpin in the successful popular revolutions in Serbia, Ukraine, and Georgia. In fact, civil society organizations frequently pose a greater threat to autocracy than do traditional opposition parties, which have proven relatively easy for determined strongmen to sideline, neutralize, or co-opt. Civil society movements, by contrast, are generally composed of younger activists, committed to a cause, more resilient, more agile, and less prone to corruption.

To be sure, even some authoritarian states can boast of an active and growing civil society sector consisting of humanitarian organizations, religious entities, conservation groups, associations focused on public health or development, and so forth. It is with the NGOs that pursue politically sensitive objectives—human rights advocacy, democratic reform, or anticorruption measures—that oppressive leaders have serious differences. Especially in countries where elections have been rendered meaningless, civil society groups can become surrogates for a democratic opposition, and are therefore regarded with deep suspicion by the leadership.

> "Countries in western Asia and northern Africa, Ukraine and Thailand, which have experienced street protests and even armed conflicts, have been led astray to the wrong path of Western-style democracy, that is, 'street politics.'... The United States and some Western forces have been involved in the street politics in these countries, either on stage or behind the scenes."
>
> **—Xinhua, paraphrasing an editorial by Mi Bohua of the People's Daily**

> "In the modern world, extremism is being used as a geopolitical instrument and for remaking spheres of influence. We see what tragic consequences the wave of so-called color revolutions led to.... We should do everything necessary so that nothing similar ever happens in Russia."
>
> **—Vladimir Putin**

The specter of 'color revolution'

The term "color revolution" emerged in 2003–05 to describe a phenomenon whereby an existing political leadership is overthrown by a popular movement using tactics of nonviolent civil disobedience.

Successful nonviolent democratic revolutions are not new. Perhaps the first color revolution took place in 1974, when a dictatorship in Portugal was overthrown by military officers who drew on the support of civilian democracy advocates. Later peaceful revolutions overcame authoritarian regimes in the Philippines, South Korea, Chile, and Poland.

In the 21st century, however, the definitive events behind the new label took place in Georgia (2003) and Ukraine (2004–5). Both countries were governed by politicians with close ties to Moscow who were either personally corrupt or tolerated high levels of graft. In the Ukrainian elections of 2004, there was strong evidence of rigging to ensure the victory of Viktor Yanukovych, the candidate of the pro-Russian old guard.

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Tightening the Screws: The Kremlin's Legal Campaign against Civil Society

- **JANUARY 2006: Amendments to Certain Legislative Acts of the Russian Federation**
  This law gave authorities the power to deny registration to organizations that "threaten" Russia, bar foreigners from opening organizations, subject foreign funding to more scrutiny, and make the founding and operation of organizations excessively burdensome, including by imposing frequent audits and reporting requirements.

- **JULY 2012: Amendments to the Law on Noncommercial Organizations, the Criminal Code, the Law on Public Associations, and the Law on Combating Money Laundering and the Financing of Terrorism**
  This package of measures, which included the provision known as the "foreign agents law," required nongovernmental organizations (NGOs) that receive foreign funding and carry out broadly defined "political activity" to register with the Justice Ministry and meet onerous requirements, including filing quarterly financial reports, submitting to annual and unscheduled audits, subjecting foreign donations to monitoring, and marking all publications and events with the "foreign agent" label. Penalties for noncompliance include fines, suspension of funds, and imprisonment of personnel. Other amendments penalized creating and participating in "illegitimate" groups and groups that urge citizens to shirk their civic duties or perform other illegal acts.

- **FEBRUARY 2014: Amendments to the Law on Noncommercial Organizations**
  This change greatly expanded the list of reasons for unannounced audits of NGOs.

- **JUNE 2014: Amendments to the Law on Noncommercial Organizations**
  Enacted to strengthen enforcement of the foreign agents law, this legislation authorized the Justice Ministry to register NGOs as foreign agents without their consent and without a court order, and shifted the burden of proof to NGOs, compelling them to go to court to fight the label.

- **MAY 2015: Amendments to Certain Legislative Acts of the Russian Federation**
  Known as the "undesirable organizations law," this package of changes empowered the prosecutor general to shut down or restrict the activities of NGOs that are deemed "undesirable," vaguely defined as groups that pose "a threat to the foundation of the constitutional order of the Russian Federation, the defense capability of the country, or the security of the state." The amendments bar such organizations from opening delegate offices, carrying out programs, and promoting their activities in Russia, and subject collaborators with these NGOs to possible fines and imprisonment.

- **JUNE 2016: Amendments to the Law on Public Associations and the Law on Noncommercial Organizations**
  This legislation revised the loose definition of "political activity" under the foreign agents law, but rather than narrowing the meaning of the term, it applied the law's restrictions to any activity aimed at influencing the government or public opinion. That could include opinion surveys, monitoring of government agencies' performance, analysis of laws or policies, and petitions or other communications aimed at government officials.

Confronted by mass demonstrations, the authorities ordered a rerun. The candidate of the reformist Orange coalition won that election, which was widely seen as free and honest.

The Orange Revolution was to have far-reaching repercussions. While democracies celebrated the outcome, repressive regimes reacted with alarm. The concerns expressed by Russian officials were soon echoed in China, Iran, Belarus, Kazakhstan, Venezuela, and other authoritarian countries. Vladimir Putin spoke of the color revolution as the latest form of American interventionism, and began a process of restricting Russian NGOs that was to reach a climax a decade later.

Yanukovych eventually won the presidency in a 2010 comeback, but a second protest-driven revolution

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in Ukraine, the Maidan uprising of 2013–14, forced him to flee to Russia after a bloody crackdown failed to disperse the demonstrators. Among other things, the episode shattered the old political establishment, which had been more or less equally divided between parties that were friendly to Russia and parties that favored independence from the Kremlin and an orientation toward Europe. For the foreseeable future, pro-Russian parties were unlikely to play a major role in Ukrainian political life.

Russia responded by seizing and illegally annexing Crimea and fomenting a frozen conflict in eastern Ukraine. But the Kremlin also stepped up its campaign to demonize color revolutions more broadly as America's favored instrument of regime change, though no serious evidence of U.S. involvement in the Maidan revolution was put forward. The color revolution threat became a major theme of Russian domestic propaganda and political discourse. It even became a focus of the country's military planning.

When speaking of color revolutions, Russian officials and commentators have struck several common themes:

1. Color revolutions are a U.S. strategy to break Russia's influence over its neighbors.[1] Nikolay Patrushev, secretary of Russia's Security Council and a longtime director of the Federal Security Service (FSB), has described color revolutions as an American scheme to bring down governments through the financing of opposition groups and economic sanctions "under the pretext of human rights protection and the necessity to form civil society institutions."[2] Russian officials in 2015 warned that Electric Yerevan, an Armenian protest movement against electricity price hikes, could be a provocation by the West dedicated to toppling a Moscow-friendly administration.[3]

2. The threat of military action is an integral part of the strategy. While color revolutions by definition employ nonviolent tactics, Russian strategists claim that the military dimension can be indirect, embedded in democratic governments' warnings not to use force against protesters. In other words, according to the Kremlin, the United States and its allies stoke uprisings and then threaten to intervene if the authorities defend themselves. Russia's own response to the Maidan revolution was a reflection of this distorted image: It orchestrated separatist revolts in parts of Ukraine and then used its military to defend them.[4]

3. Color revolutions pose a danger to Russia's allies around the world. To communicate its concerns on this front, the Kremlin has invited military delegations from China, Iran, Egypt, and other authoritarian regimes for meetings at which countering color revolutions is an important theme.[5] Russian propaganda encourages governments to do what is necessary to put down civil society challenges, and praises incumbents who succeed.

4. Russia itself is under threat. "The aim is obvious," Putin said of protests and social media activity in 2015, "to provoke civil conflict and strike a blow at our country's constitutional foundations, and ultimately even at our sovereignty."[6]

5. Incumbents are 'legitimate' rulers. Russian officials have stressed the legal and constitutional legitimacy of authoritarian leaders facing major protests, regardless of their crimes and blatant abuses of human rights and democratic norms. Moscow insisted that Yanukovych remained the "legitimate" president even after he had abandoned his post to escape punishment for his role in the crackdown on demonstrators.

6. Russia reserves the right to intervene in defense of ethnic Russians. By asserting this right, the Kremlin is effectively saying that any color revolutions in neighboring states—many of which have Russian-speaking minorities—could trigger a Russian invasion, as in Ukraine. It could also become a self-fulfilling prophecy, whereby the governments of neighboring countries come to mistrust and mistreat their ethnic Russian citizens, providing the Kremlin with an excuse to get involved.[7]

The Russian leadership's reaction to the color revolutions, with its paranoid obsession with sinister outside forces, is a clear indication of the lack of self-confidence that is shared by all authoritarian powers. Whether the state is led by a strongman, a politburo, or a supreme religious leader, the world's most repressive regimes understand that their systems offer few regular outlets for public frustration with government performance.

Fear of color revolutions has intensified since the 2014 events in Ukraine, with a particular focus on the alleged

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Authoritarians on Color Revolutions

"In my opinion, everything that happened in Ukraine shook Russia.... Young people began to discuss and think about Russia's direction."

—Ivan Mostovich, press secretary of the pro-Kremlin youth organization Nashi, April 2005

"We're only afraid these changes will be chaotic.... It'll be a banana republic where the one who shouts loudest is the one who wins."

—Vladimir Putin, President of Russia, September 2005

"We have sympathy with [Arab governments] because they did not read warnings that they should have read. That things were changing because of the wishes of their people, and because of machinations of the imperialists."

—Robert Mugabe, President of Zimbabwe, June 2011

"It is hardly likely that the US will admit to manipulating [Hong Kong's] 'Occupy Central' movement, just as it will not admit to manipulating other anti-China forces. It sees such activities as justified by 'democracy,' 'freedom,' 'human rights' and other values."

—People's Daily commentary, October 2014

"Hostile forces have always attempted to make Hong Kong the bridgehead for subverting and infiltrating mainland China.... The illegal Occupy Central activities in 2014 came as minority radical groups in Hong Kong, under the instigation and support of external forces ... orchestrated a Hong Kong version of a color revolution."

—Gen. Sun Jianguo, deputy chief of general staff, People's Liberation Army, March 2015

"Various human rights organizations, think tanks, and simple NGOs of the U.S. and its allies in Europe, concealing their true goals, have established a huge network of affiliates around the world.... It is they who act as the 'fifth column.'"

—Ramiz Mehdiyev, head of presidential administration, Azerbaijan, December 2014

"The sides noted that Russia and China had a common approach to the key problems of regional and international security and expressed readiness to counteract 'color revolutions.'... Russia and China suffered the biggest losses during WWII and should be resolutely opposed to any attempts to revive fascism and falsify the results of the bloodiest conflict in human history."

—Russian Security Council, statement on security consultations with China, May 2015

role of the United States as puppet master. Yet neither the Kremlin nor likeminded regimes have advanced credible evidence that the various civic movements were inauthentic. The American role in the Orange Revolution of 2004–5, for example, was limited to funding for voter training, upgrading of election technology, and other measures designed to assist authorities in ensuring fair balloting. There is no evidence of direct American government help to the Orange forces. If the United States influenced the eventual outcome, it did so by making it more difficult for the Ukrainian authorities to rig the election results.[8]

Strangled by law

Over the past decade there has been a steady stream of laws that restrict the funding and operations of NGOs. While more than 50 countries have passed such legislation, the most aggressive campaign to bring civil society to heel through legal constraints has been carried out by the Russian authorities.

There are 11 laws on the books in Russia that deal solely with civil society organizations and another 35 that mention NGOs. Yet nowhere are NGOs defined. This vagueness is deliberate. It gives officials the discretion to decide which civil society organizations should be prosecuted and harassed and which should be left alone or encouraged. It enables them to penalize, for example, a foundation that supports scientific

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research due to alleged foreign funding, while ignoring foreign funding for a quasi-political charity sponsored by the Orthodox Church.[9]

In fact, most of these laws are unnecessary. In a state like Russia, China, or Iran, the authorities already have ample latitude to deregister and ban any organization, and to prevent foreign organizations from doing business with domestic partners. A legal system that is flexible enough to serve the evolving needs of the regime and target virtually any adversary is a hallmark of modern authoritarianism. But the NGO measures give an added veneer of legality to what is essentially arbitrary rule.

The repeated adoption of new laws also gives the leadership the opportunity to showcase emotional propaganda that stresses the subversive nature of foreign or independent domestic civil society organizations, reinforcing the idea that the motherland is threatened by hostile encirclement and political infiltration.[10]

Foreign agents

In 2012, Russia adopted the so-called foreign agents law. It requires NGOs that receive foreign funding and engage in what the authorities define as political work to register as "foreign agents," a term that, in Russian, is synonymous with foreign spy. Subsequent amendments allow the Justice Ministry to register groups as foreign agents without their consent. As with many other Russian laws, the standards for enforcement are entirely political. The designation is applied principally to NGOs that seek political reforms or criticize the Kremlin's antidemocratic direction, though the authorities' reasoning in many cases is difficult to fathom. State-friendly organizations have generally been left alone.

Memorial, the human rights organization founded to carry forward the ideals associated with Andrey Sakharov, was one of the first groups to be unilaterally registered as a foreign agent by the Justice Ministry in 2014. In 2015, the ministry accused Memorial of "undermining the foundations of constitutional order" by describing the Russian invasion of Ukraine as aggression and by asserting, correctly, that active duty Russian troops were taking part in the conflict.[11]

As in most countries, including some democracies, civil society organizations in authoritarian climates are largely funded by governmental or foreign entities. There is little tradition of private philanthropic funding for NGOs, and even if there were, few wealthy Russians or Iranians would risk reprisal from the authorities by donating to regime critics. Consequently, organizations that lose access to foreign funding typically have no domestic alternative and must curtail their operations or give up their political independence.

In Russia, even NGOs with politically anodyne missions have been targeted as foreign agents, as the regime seeks to deter any civil society activity that could challenge official policies or foster international ties without state approval. One such organization was the Northern Nature Coalition, which protects old-growth forests and had protested certain development projects. Another was Young Karelia, which sponsors puppet shows for children in Karelian—a language closely related to that spoken in neighboring Finland. The latter group was declared a foreign agent in part because of a $10,000 grant from the United Nations.[12]

The undesirables

Once it was the CIA that dictatorships reflexively blamed when under pressure. More recently, the target of attack is a group of prodemocracy foundations, mostly American, that encourage political reform through nonviolent methods. According to the denunciations of officials from Russia, China, Venezuela, and other repressive states, the National Endowment for Democracy and the organizations associated with philanthropist George Soros present a danger to the status quo that rivals NATO or Western intelligence agencies.[13]

In 2015, Putin signed a law that allowed the prosecutor general to declare foreign organizations "undesirable" if they are deemed to pose a threat to the country's security, defense capability, or public order. The measure empowered the authorities to shut such entities' offices in Russia, ban Russian groups from working with them, and freeze their assets.

While the law has been used to expel foreign prodemocracy organizations, the real targets are Russian citizens. This is made clear by a section of the law that calls for heavy fines and jail terms of up to six years for Russians who collaborate with organizations on the undesirable list. Conceivably, a Russia human rights advocate who attends a seminar in Poland or Germany sponsored by the International Republican Institute—one of the groups added to the list in 2016—could be prosecuted once back in Russia.[14]

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Sharing worst practices

During the 1990s there was much discussion in the major democracies regarding the export of "best practices," meaning the institutions, policies, and ways of doing things that had strengthened democratic governance in some of the more successful post-authoritarian societies, especially in Central Europe. More recently, modern authoritarian regimes have turned this concept on its head by sharing their own experiences with laws and tactics that have the effect of retarding democratic development.

Laws restricting the autonomy and funding of NGOs have been widely copied around the world. Many of the affected countries tolerated civil society activism in the period after the Cold War, only to move in a more repressive direction after the most prominent color revolutions alerted incumbent leaders to potential threat posed by civic activism. Once Russia had demonstrated a willingness to adopt legislation and then enforce it, other countries followed suit, first in Eurasia but subsequently in Africa, Asia, the Middle East, and Latin America.

Governments that adopt such laws seldom if ever shut down the civil society sector entirely. Instead, they deal with NGOs selectively, tolerating those that present no threat to the status quo, monitoring others, and repressing those that the leadership regards as a potential focus of opposition activity. Even some democracies, such as India, Indonesia, and Kenya, have enacted laws to strengthen state control over NGOs. But the most serious restrictions have been imposed by authoritarian regimes.[15]

According to a 2013 report, 12 countries had prohibited foreign funding for NGOs outright while another 49 placed restrictions on foreign donations.[16] For authoritarian leaders, the imposition of foreign funding restrictions is a convenient tactic in that it makes it difficult for the organization to function effectively but falls short of an outright ban, which could attract sharper criticism. Furthermore, governments can justify their action on grounds of protecting sovereignty against foreign interference—a potent argument in an era when nationalist ideas have garnered greater public support. Thus in rejecting an appeal to government policies that restrict NGO work, the Venezuelan Supreme Court spoke of foreign assistance as "a typical manifestation of the interventionist policies of a foreign power to influence the internal affairs of the Venezuelan state."[17]

China piles on

In early 2016, joining its authoritarian colleagues, China adopted its first formal law meant to regulate the country's rapidly expanding NGO sector. Previously, foreign NGOs registered as commercial enterprises and conducted their advocacy work "off the books." Under the new law, foreign NGOs are subject to a series of additional bureaucratic hurdles, some of which could seriously impinge on their work.

For example, foreign NGOs are now required to join in partnership with a Chinese organization. In practice, this could make it difficult for NGOs that work on sensitive issues like the rule of law to function, as Chinese organizations would be hesitant to join a foreign entity in pursuing such a politically explosive mission.

Moreover, foreign NGOs will be compelled to register with the police rather than the Ministry of Civil Affairs, as had been the case.[18] The law gives the police sweeping powers to detain staff, restrict activities or events, or regulate an NGO's ability to open an office.[19] An NGO's registration can be revoked under a vague clause that forbids spreading rumors, engaging in defamation, or publishing "other harmful information that endangers state security or damages the national interest."[20]

The new law was passed in the context of intensified repression, an economic slowdown, and a drive by the Xi Jinping leadership to suppress discussion of "Western ideas" in the media and at universities. Even as the country's leadership boasted of China's role as a world power, the country's education minister, Yuan Guiren, felt compelled in 2015 to warn against the use of "textbooks promoting Western values" in Chinese classrooms.

Indeed, the authorities had carried out a series of arrests, focusing on precisely the sort of independent-minded activists with whom reform-oriented international NGOs would expect to collaborate: human rights lawyers, advocates for minority rights and religious freedom, and women's rights campaigners.[21] Around the time of the law's adoption, the government took the unusual step of showcasing a televised confession by a Swedish citizen who had worked with legal reform groups in China. Xinhua claimed that the activist, Peter Dahlin, had served a human rights organization that "hired and trained others to gather, fabricate, and distort information about China."[22]

The adoption of formal restrictions on NGOs is one

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sign among many that China is rolling up the welcome mat for the outside world. The leadership's exertion of pressure on reform-minded foreigners parallels its increasingly skeptical attitude toward the international press, certain foreign technology firms, Christian churches, and especially "Western" ideas like democracy, the rule of law, and press freedom. The hostility to NGOs is particularly troubling, however, given the total absence of national elections and opposition political parties in China. The NGO sector was one of the few outlets available to Chinese citizens who seek political change. The Xi Jinping leadership, in adopting the new law, is communicating its determination to shut off all possible avenues for independent political action.

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Chapter 4

The Ministry of Truth in Peace and War

An early and telling sign that Vladimir Putin planned something more ambitious than a mere tightening of state control over political life was his decision to return Joseph Stalin to his position in the pantheon of great Russian leaders. Stalin's rehabilitation was formalized in 2007, with the publication of a new curriculum guide for teachers of Russian history.[1]

The manual's content dovetailed with Putin's broader promotion of a narrative in which Russia is a great power that recovered from the chaos and weakness of the Yeltsin era and overcame the hostility of determined enemies, especially the United States. According to the manual, Russia's dark chapters—its domination of Eastern Europe, internal repression, Stalinist purges—were the regrettable but understandable responses to the country's underdevelopment and encirclement by foreign enemies. The new history paints a picture of an all-wise Russian state, under both Stalin and Putin, whose requirements always take precedence over the needs of the individual.[2]

Putin took unusual interest in the preparation of the history manual. The idea that history should be written by historians, not political leaders, was never voiced in public discussion. Putin later called for history textbooks "written in proper Russian, free of internal contradictions and double interpretation."[3] He said the manual was needed to clear up "the muddle" in teachers' heads.

And in unveiling the new guide, he struck a theme that runs through Russian propaganda in the Putin era: Russian history "did contain some problematic pages," he said. "But so did other states' histories. We have fewer of them than in other countries. And they were less terrible than in some other countries." Putin's basic message was that "we can't allow anyone to impose a sense of guilt on us."[4] More broadly, Putin was saying that a sovereign state has the right to interpret its history in whatever way it wants, to ignore or distort the tragic chapters, and to burnish the reputations of mass murderers and thugs.

Whereas other countries simply avoid serious study of the most shameful episodes of their histories, as Indonesia has done with the epidemic of political killings during the 1960s, or as China has done with the Cultural Revolution, Russia treats the Stalin era as a time of progress during which the foundation for modern Russian greatness was laid.[5]

> "It's easy predicting the future; what's difficult is predicting the past."
>
> **—Soviet joke**

> "A lie isn't an alternative point of view."
>
> **—Linus Linkevičius, Lithuanian foreign minister**

> "The implied objective of this line of thought is a nightmare world in which the Leader, or some ruling clique, controls not only the future but the past.... This prospect frightens me much more than bombs."
>
> **—George Orwell, Looking Back on the Spanish War**

To build a case that Russia's dark pages were "less terrible" than those of other countries, Russia's official history depicts Stalin as a strong leader who was capable of acts of cruelty but whose rough tactics were necessary for the defense of the homeland, which was besieged militarily by the Nazis and politically by the capitalist powers.

Excusing the Soviet empire

The Russian leadership is especially tenacious in defending Stalin's World War II diplomacy. Putin, for example, has defended the Hitler-Stalin pact, the 1939 nonaggression agreement that opened the door to Nazi Germany's invasion of Poland and carved up much of Eastern Europe between the two totalitarian states.[6] While Putin called the pact "immoral" during a 2009 visit to Poland, he defended the agreement during a joint press conference with Angela Merkel in 2015, following Russia's invasion of Ukraine.

He did so in a fashion typical of current Russian propaganda methods. He accused the West of trying to "hush

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up" the agreement between British prime minister Neville Chamberlain and Adolf Hitler that resulted in Germany's seizure of parts and eventually all of Czechoslovakia. This clearly falsified the historical record. Far from suppressing Chamberlain's actions, historians and politicians alike have held up the Munich agreement as a symbol of all that went wrong due to the European democracies' appeasement of Hitler.[7]

Putin has also justified the Hitler-Stalin pact on the grounds that it kept the Soviet Union out of war for a time and was in keeping with the amoral power politics practiced in that era. As for the divvying up of Eastern Europe, he repeated the hoary lie that the record was unclear as to whether the pact's secret protocols—in which the two parties agreed on which territories each would subsequently control—were genuine.[8] Predictably, Putin did not go into the unwritten parts of the agreement that caused Stalin to forcibly repatriate a group of German dissidents, mostly Communists, who had sought refuge in the Soviet Union.

Both the history manual and the political leadership justify the transformation of postwar Eastern Europe into a Soviet-controlled bloc—in which the economy came under state control, religious belief was persecuted, civil society was destroyed, the press was converted into a monolithic instrument of propaganda, and opposition political parties were crushed—by claiming that Moscow needed a layer of territorial security to protect it from the hostile West. "Historical necessity" is how Putin's spokesman described Soviet domination of the region. Putin likewise blames the democracies for the Iron Curtain: "We understand the fatality of an 'iron curtain' for us. We will not go down this path. No one will build a wall around us."[9]

The manual recalls Mikhail Gorbachev not for his attempts to reform and liberalize the Communist system, but instead for his having permitted the unraveling of the European security belt in 1989 and the collapse of the Soviet Union in 1991. Moving into the 21st century, the manual denounces the color revolutions in neighboring countries like Georgia and Ukraine as Western-backed schemes to replace pro-Russian leaders with pro-American usurpers. In this view, the centuries may change and the Soviet empire may fade into history, but Russia's geopolitical predicament remains constant.

Sakharov as nonperson

Because Putin is intent on blaming the West for Russia's problems, both past and present, he has worked to ensure that critical domestic voices are removed from Russian history. This explains the near total absence of Andrey Sakharov from any discussion of the Soviet past or Russia's future course.

Today Sakharov is recalled abroad as a dissident and Nobel Peace Prize laureate. In Russia, however, he has been relegated to the status of nonperson. Putin and other leaders never refer to him, his legacy, or his views. The organizations that were launched to promote his principles are harassed and placed on the "foreign agents" list.[10] In an age of flourishing digital media, Russians are ironically less likely to know what Sakharov stood for than was the case under Soviet censorship, when underground samizdat literature was reproduced on manual typewriters to reach an audience of a few hundred.[11]

In fact, Sakharov was an imposing global presence from the mid-1960s until his death in 1989. His stature derived from his prominent role in the development of the Soviet nuclear arsenal. He was sometimes called the "father of the hydrogen bomb," and because of the respect he enjoyed in the global scientific community, his views on arms control carried enormous weight.

His initial forays into political dissent consisted of cautious statements about the importance of weapons treaties between Washington and Moscow. But the more he thought about arms control, the more closely he looked at his own society. And soon he was making caustic comments about the yawning gap between Soviet boasts on the achievements of socialism and the reality of Soviet backwardness.

He eventually came to see the system that prevailed in the Soviet Union as inherently repressive. Sakharov attributed Russia's epidemic of alcoholism to the leadership's having purged the governing system of moral considerations. He said it was "important that our society gradually emerge from the dead end of unspirituality." He spoke of the need for the "systematic defense of human rights and ideals, and not a political struggle, which would inevitably incite people to violence, sectarianism, and frenzy."[12]

The Kremlin has worked hard to make Russians forget that he once ranked among the eminent figures of global political protest. The current leadership is especially determined to ensure that Sakharov's core goals disappear from the debate: a Russia committed to humane and democratic values, a government that

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deals honestly with the people, and a country that lives at peace with its neighbors.

The Ukraine factor

The falsification of history that began during the early years of Putin's leadership has been intensified in the wake of the invasion of Ukraine and seizure of Crimea in 2014. To convince the Russian people that waging a form of low-intensity warfare against a neighbor was justified, Putin has stepped up efforts to depict the West as antagonistic to Russian interests, launched a campaign to label those responsible for Ukraine's Maidan uprising as fascists, driven home the idea that ethnic Russians living outside the Russian Federation were under relentless persecution, and identified Russian critics of aggression against Ukraine as a treasonous fifth column.

A recurring theme of post-Crimea propaganda is the notion that Russia faces the same threats from the West today as it did during the Cold War. To make this point, Russian television aired a documentary meant to justify one of the more shameful events of the Soviet period, the 1968 Soviet-led Warsaw Pact intervention in Czechoslovakia. The invasion was undertaken to crush the reformist Prague Spring movement, whose leaders were moving increasingly in the direction of jettisoning state socialism, embracing democratic reforms, and seeking a kind of neutral geopolitical status much like that enjoyed at the time by Austria. The documentary used archival footage to build a concocted case that the invasion was necessary to thwart a NATO-inspired coup in Prague.[13] The clear purpose of the film was to portray NATO as a permanent threat to Russian interests, as much in 2014 as in 1968.[14]

Another television documentary focused on the seizure of Crimea, a year after the event. As Lucian Kim has noted, the program is something of a celebration of the tactics of dictatorship. The filmmakers offer no conflicting opinions and present American leaders as puppet masters. Among other claims, the documentary asserts that Washington gave the Maidan forces information about Ukrainian security methods that American officials had obtained during bilateral exchange programs with the Kyiv government. [15]

To further bolster the case for the invasion of Ukraine, the Russian propaganda machinery devoted great energy to demonstrating the fascist nature of the Maidan, relying heavily on invocations of Soviet history. The Ukrainian protesters and activists who helped drive out corrupt president Viktor Yanukovych, and the European-oriented politicians who replaced him, were repeatedly labeled as present-day followers of Stepan Bandera, a controversial nationalist leader who fought the Soviets and at times cooperated with the Nazis in a doomed campaign for an independent Ukraine during World War II. Russian media presented Bandera and his followers as unambiguous allies of the Nazis, and highlighted their wartime atrocities. Russian media also featured a number of documentaries that emphasized Russian, as opposed to Soviet, resistance to Hitler. The objective was to equate contemporary Ukrainians who favored full sovereignty and independence from Russian influence with Nazi collaborators and pogromists. This served not only to explain Moscow's response, but also to deter any emulation of the Maidan protests in Russia itself.

The assault on academic freedom

Since the occupation of Crimea and invasion of eastern Ukraine, it has become increasingly dangerous to express dissenting views on Russian foreign policy in Russia's schools and universities. Putin made the point quite clearly in a speech before the parliament in March 2014, when he referred to a "fifth column" and a "disparate bunch of national traitors" sowing discord within Russia.[16]

In the ensuing months, anyone criticizing Russian policy risked the label of foreign agent, which in Russian usage is tantamount to being called a spy. Around this time a new website called Predatel (traitor) began listing alleged traitors, specifically those who had criticized Russia's annexation of Crimea or supported sanctions against Russian officials. The site encouraged Russians to send in the names of other traitors.

Meanwhile, a number of educators fell afoul of the new policies on the teaching of history. In March 2014, Andrey Zubov, who held a position at the Moscow State Institute of International Relations, was fired for "an immoral act"—namely an article he published in the newspaper *Vedomosti* that criticized the seizure of Crimea and compared it to Hitler's annexation of Austria. "We must not behave the way the Germans once behaved, based on the promises of Goebbels and Hitler," he wrote. The university's explanation claimed that Zubov's writings "contradict Russia's foreign policy and inflict careless, irresponsible criticism on the actions of the state."[17] In a similar incident, senior sociologist Aleksandr Konkov was let go by Sakhalin State University after declaring that Russia had seized Crimea opportunistically because Ukraine was weak, not because Crimeans themselves had clamored for the takeover.[18]

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In May 2014, Putin signed a new law that criminalized the purposeful distortion of the Soviet Union's role in World War II. It could easily be applied to historians who, for example, criticize Stalin's Great Terror and its decimation of the military leadership in the years before the war.[19] Historians who make the "wrong" interpretations of the Hitler-Stalin pact, the huge casualties suffered by the Red Army, or the rape and plunder committed by Soviet troops as they marched toward Berlin might also risk criminal penalties.

In late 2016 the Russian Security Council discussed the establishment of a new center to counter the "falsification" of history. The council placed the proposal in the context of the country's national security, pointing to "deliberate destructive activity by foreign state structures and international organizations to realize geopolitical interests by means of carrying out anti-Russian policies."

A group of experts identified six topics from Russia's past that they claimed were being actively distorted as part of an anti-Russia strategy. Among the topics: the Soviet Union's ethnic policies, the Hitler-Stalin pact, the Soviet Union's conduct during World War II, the 1917 Russian Revolution, and the Soviet Union's suppression of uprisings in Hungary, Czechoslovakia, and East Germany during the Cold War.[20] In each case, the most serious and respected historical accounts have been written by foreign scholars, due largely to the pressures, including outright censorship, brought to bear on Russian historians during Soviet times and more recently during the Putin era.

China: Evading the past

Mao Zedong's Great Leap Forward ranks among the most deadly politically inspired catastrophes in human history. From 1958 to 1962, Communist Party authorities, under strict orders from Beijing, forcibly herded millions of farmers into communes and then proceeded to seize grain harvested in the countryside to feed the urban population. The result, according to long-standing estimates, was the death of some 30 million people in the provinces. Historian Frank Dikötter, who studied the archives in some of the most seriously affected regions, has argued that the number of deaths was at least 45 million, and others have cited higher numbers. While most died of starvation, many were tortured to death or murdered by local Communists.[21]

To this day, Communist Party officials have refused to acknowledge anything approaching the full dimensions of the tragedy. Nor have they admitted that the party, and especially Mao, were responsible. Often they blame the weather. There are no official monuments to the victims, no days of commemoration, no serious histories available to the general public, and most significantly, no effort to place accountability where it belonged.

Chinese leaders may be even more concerned about presenting the "correct" interpretation of history than their Russian counterparts. An updated official version of the party history that was released in 2011 took 16 years to draft, including four extensive rewrites. It was vetted by 64 state and party bodies, including the People's Liberation Army. In telling the story of the Great Leap Forward, the history admits that the project brought great suffering, but credits Mao with wanting to "change a picture of poverty and backwardness and make China grow rich and strong so that it could use its own strength to stand tall in the forest of nations."[22] In other words, one of the century's great politically driven famines was justified because it supposedly contributed to China's emergence as a world power. The history also insists that Mao tried to change course when he learned of the growing rural suffering—an outright lie, as Mao actually doubled down on the most disastrous policies.

The determination to suppress any real assessment of the dark corners of Chinese history under the Communist Party is also reflected in the exhibits at the National Museum of China in Tiananmen Square. Mao's Cultural Revolution (1966–76), a period of political terror and violent nationwide purges, is dispensed with through one photograph and a brief caption, located in an out-of-the-way part of the facility. As for the famine, it is glossed over with the euphemistic phrase, "the project of constructing socialism suffered severe complications."[23]

Seven 'don't mentions'

In 2013, the General Office of the Communist Party Central Committee issued a secret directive prohibiting universities from permitting the discussion of seven themes—the "Seven Don't Mentions." According to the directive, lecturers were not allowed to take up universal values, freedom of the press, civil society, civic rights, elite cronyism, judicial independence, and past mistakes of the Communist Party.[24]

To independent-minded scholars, the most disturbing item in the roster of Don't Mentions was the leadership's mistakes. While the authorities have never come close to permitting a serious investigation of either

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the Great Leap Forward or the Cultural Revolution, these and other aspects of the party's past were not considered utterly taboo, as long as the discussion did not lead to serious challenges to orthodox historical interpretations. According to the policies set down under Xi Jinping's leadership, talking in classrooms about Mao's errors is now forbidden.[25]

The drive to inculcate a national amnesia on the worst abuses of the Communist era is not limited to university courses. Commentary and discussion in the media and on the internet are also heavily censored, especially on anniversary days when, in normal societies, problematic events of the past are remembered and debated.[26] The most sensitive anniversary, of course, falls on June 4, marking the deadly 1989 crackdown on prodemocracy protests in Tiananmen Square. Even the most oblique or coded reference to that date on social media is quickly censored.

There are no museums devoted the Cultural Revolution or the Great Leap Forward. The archives of the Cultural Revolution period are mainly closed to researchers. Chinese historians have made some important breakthroughs, but can discuss their findings only with small groups of peers.

The Communist Party's refusal to come to terms with the crimes of the Mao era has enabled a revival of the former leader's personality cult that has captured the support of millions of Chinese. As Jamil Anderlini wrote in the *Financial Times*, Mao has come to be seen as a symbol of a "simpler, fairer society—a time when everyone was poorer but at least they were equally poor."[27] Xi and his colleagues have actively promoted Maoist images, songs, and propaganda themes as ornaments of Chinese nationalism, and used Mao-style tactics and terminology in their drive for ideological discipline and political loyalty.

The melding of nationalism and reverence for Mao is no accident. According to the regime's updated historical narrative, China was subjugated by foreign powers for more than a century until the party took power in 1949 and restored the country's national greatness. Admitting Mao's abuses would mean admitting that the first three decades of Communist rule left China poor, isolated, and traumatized, and that only the partial abandonment of party doctrine and control allowed the country to prosper.

A side effect of the party's appropriation of Chinese nationalism is a renewed hostility toward the foreign powers that kept China weak before Communist rule. Basic history textbooks—in addition to omitting or distorting the mistakes, failures, and criminal acts of the Communist leadership—focus on China's persecution at the hands of outsiders, especially Japan. Some Chinese critics worry that the teaching of history is cultivating an alarming degree of xenophobia and jingoism.[28]

History held hostage

In much of the world today, there are or have been major efforts to confront uncomfortable truths about the past. This is certainly true of Germany and South Africa. Latin American countries like Chile and Argentina have probed the histories of ugly conflicts between military juntas and Marxist revolutionaries. In China's own backyard, South Korea and Taiwan have moved to address the complex legacies, including outright crimes, of dictators.

The process of accounting for the mistakes and crimes of earlier decades can raise a tangle of ethical and emotional challenges in any country. But resistance to a full examination of the past is especially bitter in societies where communism held sway. In China, the heirs of Mao still control the state, and the very legitimacy of the system is built on a veneration of the Great Helmsman. In Russia, the Putin leadership praises the achievements of Stalin and aspires to the superpower status of the Soviet Union. A consequence of this ahistorical nostalgia is that in Russia today, 26 percent of those polled by Levada believe that Stalinist repression was necessary; a decade ago, the figure was just 9 percent. Likewise, only 45 percent told Levada that political persecution was a crime; in 2007, the figure was 72 percent.[29]

The communist system was responsible for four of the most destructive episodes of the 20th century: Stalin's purges, the Great Leap Forward, the Cultural Revolution, and the Cambodian genocide. Add to this the persecutions inflicted on the people of the Baltic states, Eastern Europeans, Cubans, North Koreans, and many others, and the population affected by mass killings and misery swells even further. While few people today admire totalitarian Marxism as a governing system, there is a reluctance to reject it with the same moral clarity as in assessments of Nazism. Scholars, not to mention political figures, who express even modest admiration for Hitler are immediately and properly condemned. As long as Stalin and Mao, two of history's worst mass murderers, escape similar opprobrium in their own countries, a reckoning with historical truth and an understanding of its lessons will be postponed.

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Chapter 5

The Rise of 'Illiberal Democracy'

In July 2014, Hungarian prime minister Viktor Orbán gave what has come to be known as his "illiberal democracy" speech before an ethnic Hungarian audience in Băile Tuşnad, Romania.[1] Several points in his remarks are worth noting:

- Orbán urged his listeners to no longer regard the 1989 triumph over communism as the reference point for developments in Hungary. Instead of measuring progress from the transition from dictatorship and foreign domination to elections, civil liberties, and sovereignty, Orbán said Hungary should adopt a new point of departure, the onset of the global financial crisis in 2008, which also marked the European Union's greatest setback.

- He cited U.S. president Barack Obama and various unnamed sources on the West's weakness, including an "internationally recognized analyst" who wrote that liberal values today "embody corruption, sex, and violence."

- He suggested that in the future it would be systems that were "not Western, not liberal, not liberal democracies, and perhaps not even democracies" that would create successful and competitive societies. He asserted that "the stars of the international analysts today are Singapore, China, India, Russia, and Turkey."

- In a passage devoted to the obstacles facing his own political party, Fidesz, as it seeks to build an alternative to liberalism, Orbán singled out civil society and the nongovernmental sector. Civil society critics, he insisted, "are not nongovernmental organizations" but "paid political activists who are attempting to enforce foreign interests here in Hungary." (In a separate speech in early 2016, he referred to "hordes of implacable human rights warriors" who "feel an unquenchable desire to lecture and accuse us."[2])

In this relatively short address, Orbán neatly summarized most of the key factors that distinguish a fully democratic "Western" system based on liberal values and accountability from what he calls an "Eastern" approach based on a strong state, a weak opposition, and emaciated checks and balances.

> "There is a race underway to find the method of community organization, the state, which is most capable of making a nation and a community internationally competitive.... [T]he most popular topic in thinking today is trying to understand how systems that are not Western, not liberal, not liberal democracies, and perhaps not even democracies, can nevertheless make their nations successful."
>
> **—Viktor Orbán, prime minister of Hungary**

> "If we want to organize our national state to replace the liberal state, it is very important that we make it clear that we are not opposing nongovernmental organizations here, and it is not nongovernmental organizations who are moving against us, but paid political activists who are attempting to enforce foreign interests here in Hungary."
>
> **—Viktor Orbán**

First, his exhortation to no longer regard the events of 1989 as a seminal, even sacred, juncture in Hungarian history is noteworthy given Orbán's biography. While he often cites his own role in the anticommunist struggle and describes himself as a freedom fighter, he now regards 1989—so redolent of liberal values, ideas about individual freedom, and democratic solidarity—as an intellectual impediment to his plans for a Hungary that is skeptical of such ideals and of European integration.

Second, Orbán included full-blown dictatorships (Russia and China) in the roster of governments he admires, along with quasi-democratic illiberal states (Turkey and Singapore) and one genuine, if inconsistent, democracy (India).

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Third, he signaled his support for majoritarianism, with its disdain for checks and balances and civil society, as opposed to the values of pluralism that are enshrined in liberal democratic practice.

The message here is important. For many, illiberalism's defining feature is intolerance toward minority groups: the LGBT (lesbian, gay, bisexual, and transgender) community, Roma, Muslims, refugees and migrants of all sorts. But in Hungary and elsewhere, illiberal government signifies something much more comprehensive than the prime minister asserting that "every single migrant poses a public security and terror risk,"[3] and that refugees bring "gangs hunting down our women and daughters"[4]—two of Orbán's more incendiary declarations.

The Hungarian leader is instead telling us that illiberalism involves a wholesale rejection of liberal values and democratic norms, with all that this implies for politics and governance. Fidesz's "reform" efforts have been less concerned with the repression of unpopular minorities than with the creation of a system in which the institutions of pluralism are hollowed out and the ruling party's dominance is assured over the long term.

Having come to office with a two-thirds parliamentary majority in 2010, Orbán was able to rewrite the constitution without the consent of the opposition. He rushed through a series of constitutional changes, cardinal laws (requiring a two-thirds vote to change or remove), and regular laws that had the effect of turning the Hungarian political system upside down.

Among the steps taken by Fidesz after its 2010 triumph:

- The Constitutional Court was overhauled so that Fidesz appointees became a majority and its jurisdiction was narrowed.[5]
- The government eliminated the independent Fiscal Council, responsible for overseeing budgetary policy, then replaced it with a new council under Fidesz control.
- A new election law created gerrymandered legislative districts that were favorable to Fidesz.[6]
- Orbán gave voting rights to ethnic Hungarians in neighboring countries, who were likely to support Fidesz.[7]
- The government created a new press authority whose chair and members were Fidesz loyalists. The authority was given wide-ranging powers to fine media outlets.[8]

While the measures listed above were some of the most notorious of the Fidesz initiatives, in some cases drawing critical attention from European oversight bodies, they represent only part of the campaign that has transformed Hungary into a full-fledged illiberal democracy.

Perhaps the more far-reaching measures introduced under Orban have been in the economic sphere. Since 2010, Hungary has evolved into a crony capitalist state *par excellence*. But unlike in outright kleptocracies such as Russia, where the regime itself is organized around the plunder of public wealth by the ruling clique, Orbán has used state laws and procurement contracts to create a wealthy Fidesz-affiliated business constituency that can finance political campaigns, reward party supporters, and operate friendly media outlets. The enrichment of cronies is less an objective in itself than a means of fortifying the dominant political party against any future challenge from the opposition.[9]

While Orbán is highly unpopular in European liberal circles, he has gained a following among conservatives in both Europe and the United States. At a 2015 congressional subcommittee hearing in Washington, one Republican legislator after another defended the Fidesz government, often in ways that demonstrated blatant ignorance of political conditions in Budapest.[10] Conservatives praise Orbán for his commitment to traditional values and decisive leadership, but they ignore the course he has set for the economy.

Since taking power in 2010, the prime minister has violated practically every principle of the free market and prudent economic stewardship. Were Hungary a developing state in Latin America or Africa, donor governments would likely have imposed special conditions on foreign assistance given the overt acts of corruption and cronyism that Fidesz has embraced as a matter of public policy. This includes a pattern of awarding government contracts to businesses with Fidesz ties, the adoption of special laws to benefit Fidesz supporters in the business community, the use of punitive taxation against foreign-owned corporations, tax concessions for corporations controlled by Fidesz loyalists, and the granting of control over nationalized sectors of the economy to Fidesz supporters.

In its relentless drive to hand economic power to its allies, Fidesz resembles the old-style political ma-

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chines, with their vast patronage networks, that presided over American cities a half-century ago. Fidesz is apparently seeking to ensure that rival parties will never have access to the funds or influence necessary to unseat the incumbent government.

Is Orbán a Central European version of Putin?
Orbán's domestic critics have often compared his governing style to that of Russian president Vladimir Putin. On the surface, the comparison seems unfair. Hungary is still rated Free by Freedom House. It still has genuine opposition parties, however weak, in parliament, a relatively unfettered civil society sector, freedom of assembly, and other civil liberties. Hungary has also been spared the routine violence that marks Russian politics.[11]

But Orbán also began his current tenure in an environment very different from the Russia inherited by Putin. Hungary had been a successful, if flawed, democracy for two decades before Orbán took office in 2010. It was a member of the European Union (EU) and subject to that bloc's norms and regulations. It was also a member of the North Atlantic Treaty Organization (NATO). For Hungarians, the events of 1989 led to democratic liberties and freedom from foreign domination. For Russia, 1989 and 1991 meant the loss of a vast empire and the beginning of a decade of political and economic upheaval.

Given their different contexts, the striking feature in a Putin-Orbán comparison is the similarities. The following are some of the more obvious:

- Both have repeatedly expressed disdain for "Western" liberal values.
- Both have employed a combination of control over state broadcasters and crony ownership of the private press to dominate the mainstream media, though Hungary's environment remains notably more free than Russia's.
- Both have hollowed out the institutions that provide oversight and transparency regarding actions by the executive branch.
- Both have made clear their dislike for civil society organizations that pursue reformist or human rights missions. While Orbán has yet to enact Russian-style laws to declare such groups "foreign agents" or ban them as "undesirable," Fidesz has announced the intention to introduce parliamentary legislation designed to harass NGOs and curb their funding.[12]
- Both have seized political opportunities offered by the presence of ethnic compatriots in surrounding countries. Putin has exploited supposed discrimination against ethnic Russians and certain other minorities in Ukraine, Georgia, Moldova, and the Baltic states as justification for military intervention or hostile propaganda. Orbán has brought nearby Hungarian minorities into his political coalition by giving them the right to vote in Hungarian national elections and making it even easier for them to cast ballots than it is for Hungarian citizens who are temporarily working in Europe or elsewhere.[13]
- As a matter of high priority, both Orbán and Putin have secured domination over the judiciary with the goal of removing its role as a check on their power.

'Law and Justice' in Poland
Like Hungary, Poland was until recently regarded as one of the chief success stories from the wave of democratization that accompanied the end of the Cold War. Poland's democratic institutions were imperfect, and the economic gains that were made possible by a rapid changeover to free-market policies were spread unevenly among the Polish people. But the achievements seemed to outweigh the deficiencies. The country's rate of growth was impressive by European standards; it was one of the few EU member states to emerge relatively unscathed from the financial crisis of 2008. Its leaders exercised influence within the EU and NATO, and enjoyed global respect.

According to the leaders of the archconservative Law and Justice (PiS) party, however, Poland was a deeply troubled society whose system of government was in need of a top-to-bottom overhaul.

Ahead of the 2015 elections, PiS appropriated a vocabulary similar to that of Fidesz in its 2010 campaign. It depicted the center-right government as the architect of a failed economy. It denounced mainstream leaders as more comfortable with the cosmopolitan liberal values of Brussels and Berlin than with the traditional Christian morality of rural Poland. And PiS suggested that the liberal establishment that had governed for most of the postcommunist period had "sto-

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len" the democratic revolution from the Polish people by failing to carry out a proper purge of communists and their collaborators.[14] PiS even initiated a campaign to sully the reputation of Lech Walesa, leader of the anticommunist Solidarity movement in the 1980s, by accusing him of working as a communist agent.[15]

Since coming to power with a parliamentary majority in October 2015, PiS has embarked on a course of change that places it solidly in the illiberal camp, with many of the initiatives mirroring those enacted by Fidesz in Hungary.

As in Hungary, an initial focus for the new government was securing control of the Constitutional Tribunal. PiS has moved to pack the court with its own appointees, using tactics that are blatantly illegal according to Polish law and which have drawn criticism both from the EU and the United States.[16] However, party leader Jarosław Kaczyński, who holds a seat in the parliament but no formal government position, has much greater ambitions to refashion Poland along culturally conservative and politically illiberal lines.

The media are a major target. The government quickly asserted control over public broadcasters and purged them of journalists whom it regarded as loyal to the opposition.[17] PiS officials have also spoken of the need to "restore balance" to the private media by, among other things, taking measures to reduce foreign ownership of key outlets. Already, the new government has used its power over the allocation of state advertising to reward friendly media and punish its critics.[18]

The new government has involved itself in a debate over history. It proposed a law that would punish those who use the phrase "Polish death camps" to refer to sites established by Nazi Germany in Poland during World War II.[19] PiS leaders have demonized scholars, such as the eminent historian Jan Gross, who have published research on the participation of Poles in the persecution of Jews during the war. Gross was questioned by a prosecutor on his research, and there was talk of rescinding an award he had received.[20] The government threatened to withdraw support from the Museum of the Second World War, a project that was near completion in Gdansk and enjoyed strong support from such highly regarded scholars as Timothy Snyder and Norman Davies. PiS complained that the museum focused on all victims of the conflict rather than on specifically Polish suffering.[21]

Perhaps the most unsettling measure enacted under the PiS government is an ambitious law that, in the name of counterterrorism, gives the security services sweeping powers over telecommunications and personal information. With this legislation, Poland became one of the first countries in the democratic world to embrace the use of telecommunications shutdowns in a particular area, a measure that smacks of digital repression.[22]

The law gives Poland's domestic intelligence agency unrestricted access to personal data without approval from a court or any other body. Tax reports, vehicle information, insurance information, financial statements, and other records are all now available to the intelligence service of a government that has made a point of naming party loyalists to key security positions. The legislation also grants the domestic security agency the ability to shut down websites. The action can be reviewed by a court within five days, but this is far from reassuring in light of the government's efforts to exert political control over the judiciary.

The legislation is ostensibly needed to counter acts of terrorism. But Poland has not experienced a terrorist act since 1939, and has one of the smallest populations of Muslim immigrants—often perceived as a risk factor for terrorism—in Europe. Furthermore, the law is written in vague terms that give the government great latitude to decide what is and is not an act of terrorism.[23] Given the PiS leadership's penchant for smearing its political adversaries as traitors to the Polish nation,[24] it is not inconceivable that such a law could one day be used against the opposition.

Illiberalism's preconditions

The triumph of illiberal governments in countries like Hungary and Poland raises the question of whether the phenomenon will spread further. Might illiberalism come to dominate a society with much deeper democratic roots—Austria, France, or even the United States?

From a practical standpoint, illiberal forces are unlikely to transform countries where the political divide is relatively equal and the established parties have strong, loyal followings.

It is only when the mainstream parties suffer catastrophic electoral setbacks that illiberal challengers can rush into the breach.

The Socialist Party had governed Hungary for much of the period since 1989, but it rapidly lost credibility due

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to economic mismanagement and political dishonesty. It was devastated by the 2010 election results, and has failed to reemerge as a viable opposition entity. In Poland, the center-right Civic Platform had been the dominant force until the 2015 PiS victory. It achieved economic success and gained respect in Brussels, but lost the support of the working class, the provinces, and all those who felt bypassed by globalization. Similarly, the elitist secular parties that had ruled Turkey for most of the 20th century were swept aside by Recep Tayyip Erdoğan's Justice and Development Party, which appealed to a rising Islamist middle class. And in Venezuela, it took only a few years in power for Hugo Chávez to win over the country's poor and marginalize the conservative mainstream parties that had led the country for decades.

A second precondition for the emergence of illiberal regimes is a fundamental weakness in democratic institutions beyond the political sphere, including the media, civil society, anticorruption agencies, and the judiciary. In many newer democracies, these checks and balances remain fragile: It is widely assumed that whoever controls the parliament will also come to dominate the judiciary and the security services, and the media are vulnerable to intimidation or partisan capture.

Illiberalism seems less likely to gain traction in the United States because the courts, for example, are proudly independent, and freedom of the press is firmly protected by statute and constitutional jurisprudence. But if illiberal forces have sufficient political will and the defenders of democratic institutions lack conviction and public support, anything is possible. Polls have shown that popular faith in Congress and the Supreme Court are at historic lows. A growing number of Americans question the effectiveness of representative democracy and ask whether it would be better to let the president make decisions unencumbered by the legislative branch. An astonishing one in six Americans believe it would be acceptable to have the army rule. And with each passing generation, a smaller share of U.S. citizens believe that living under a democracy is important.[75]

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Chapter 6

Flacks and Friends

Did the Russian government attempt to surreptitiously influence the 2016 U.S. presidential election in Donald Trump's favor? The answer to that question may never be definitively known. There is, nevertheless, a critical mass of evidence that Kremlin-allied forces were responsible for hacking into the Democratic National Committee's computers, stealing millions of files, and turning the information over to WikiLeaks, which in turn circulated it to the media. Some may find the evidence unsatisfactory. But given Russia's well-established record of cyberwarfare, previously directed at neighboring states like Estonia and Ukraine, and the Russian regime's dislike for the Democratic candidate, Hillary Clinton, there is ample reason to treat charges of Russian culpability as strongly credible.

Another body of evidence can be found in Russia's record of involvement in the internal politics of a number of countries in Europe, including European Union (EU) member states. In fact, under Vladimir Putin, Russia has repeatedly interfered in the affairs of European states in ways that the Kremlin would regard as intolerable if Russia were the target.

Russian involvement is usually camouflaged so as to ensure a degree of deniability, but the disguise is sometimes rather thin. In late 2014, France's far-right National Front party, led by Marine Le Pen, secured a €9 million loan from a Russian bank with indirect ties to the government in what many interpreted as a bet by Putin on the future of French politics. Le Pen has subsequently spoken favorably of Putin and criticized the sanctions imposed on Russia by the EU.[1] She has even called for a strategic alliance with Russia and proposed a pan-European grouping that would include Russia while leaving out the United States. By 2016, the National Front was seeking more funding that would enable it to participate on an equal footing with mainstream parties in the 2017 presidential contest.[2]

The 2014 loan came just months after the National Front helped provide a veneer of legitimacy to Russia's illegal annexation of Crimea. Aymeric Chauprade, a Le Pen adviser who once called Russia "the hope of the world against new totalitarianism," participated in an observer mission to monitor the Crimean referendum on secession from Ukraine and union with Russia. The mission was arranged by a pro-Moscow organization called the Eurasian Observatory for Elections and Democracy, and consisted largely of politicians from a variety of European far-right parties, including Hungary's Jobbik and Austria's Freedom Party. The vote, held under Russian military occupation, was widely regarded as falling well short of international standards. However, the Eurasian Observatory delegation gave the referendum an enthusiastic thumbs-up.[3]

> "As an operator, but not as a human being, I would say Putin. The way he played the whole Syria thing. Brilliant."
>
> **—Nigel Farage, on the world leader he most admires**

> "I admire his cool head. Because there is a cold war being waged against him by the EU at the behest of the United States.... I admire that he has managed to restore pride and contentment to a great nation that had been humiliated and persecuted for 70 years."
>
> **—Marine Le Pen**

> "[Putin] makes a decision and he executes it, quickly. And then everybody reacts. That's what you call a leader."
>
> **—Rudy Giuliani**

Moscow has paid considerable attention to evolving political developments in Central and Eastern Europe. Despite their relatively recent histories of Soviet subjugation and communist rule, a number of these countries have seen the rise of populist or nationalist parties that express admiration for or affinity with Putin's regime. Meanwhile, mainstream parties have developed attitudes toward Russia that are notable for their ambivalence, including on the pivotal issue of the Kremlin's invasion of Ukraine.

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In some countries, Russia has made progress among both far-right nationalists and more traditional conservative parties. In Hungary, for example, Moscow has a reliable ally in Jobbik and a business partner in the ruling Fidesz party, which has been critical of the EU's economic sanctions.[4] The Hungarian parliament conducted an investigation into allegations that the Kremlin was helping to finance Jobbik. There were also charges that a Jobbik member of the European Parliament was a Russian agent. Gábor Vona, the chairman of Jobbik, has embraced the idea of Eurasianism and speculated that Hungary could serve as a "bridge" between Europe and Asia.

At the intergovernmental level, Russia in 2015 provided Hungary with a $10.8 billion loan to expand the Paks nuclear power plant, a facility that supplies 40 percent of the country's electricity. The project was to have been put out for open bidding until Hungarian officials abruptly decided to accept the proposal from Russia's state nuclear energy firm—financed by the Kremlin's loan—without competition.[5] Some believe that the Paks deal is meant to encourage the Fidesz government to continue its support for an EU policy that would be more sympathetic toward Russian interests.[6] While the Fidesz leader, Prime Minister Viktor Orbán, has been cautious in public statements about Putin and Russia, he did identify Russia as one of several countries with illiberal or authoritarian governments that would provide the models for global political development in the future, as opposed to supposedly declining powers like the United States and the EU's founding members.[7]

The Russian government has also developed friendly ties to parties in Slovakia. Marian Kotleba, leader of the far-right People's Party–Our Slovakia, supported Ukrainian president Viktor Yanukovych in his decision to reject an association agreement with the EU and pursue closer ties with Russia instead—a decision that ultimately led to Yanukovych's fall from power in February 2014. Slovakia's left-leaning populist prime minister, Robert Fico, has publicly expressed his lack of enthusiasm for the EU sanctions imposed on Russia following the invasion of Ukraine.[8]

In other countries, there is evidence that Moscow has bankrolled environmentalist protests against the development of local hydrocarbon resources, which would reduce European dependence on Russian oil and natural gas. In 2012, street protests compelled Bulgaria's prime minister, Boyko Borisov, to cancel contracts with Chevron to explore shale-oil sites in the country. Those who suspect the Kremlin's involvement in the demonstrations point to a €20 million media campaign that was handled by companies with Russian ties, as well as enthusiastic support from Ataka, a far-right political party that is aggressively pro-Russia.[9]

Russia and the right

During the Cold War, the Soviet Union could count on the uncritical support of a network of left-wing parties and personalities in the democratic world. Some were formally communist; others were independent leftists or part of what was called the peace camp, which argued that the West, especially the United States, shared responsibility with the Soviets for the world's political tensions, and therefore chose a path of political neutrality. In the Cold War's later years, a growing collection of business interests encouraged détente between the Soviet Union and the United States due to the economic opportunities it would offer.

Under Putin, Russia has formed its alliances on a strictly nonideological basis. Russia has built close diplomatic ties with Venezuela, governed by a socialist movement; Iran, an authoritarian system under the rule of Shiite Muslim clerics; Syria, a dictatorship with nominally Arab nationalist views; and China, a formally communist regime devoted to state-led capitalism. The interests that draw these governments together are a common hostility to democratic norms, a need for allies to block criticism and sanctions at international bodies, a fear of "color revolutions" and the potential consequences of democracy-promotion projects backed by foreign donors, and an adversarial relationship with the United States.

In its dealings with European political parties or movements, Russia adheres to a similar policy of ideological indifference, focusing instead on those with an interest in disrupting Europe's political establishment and weakening its unity. Thus Putin has courted leftist parties like Syriza, which leads the current government of Greece and opposes austerity measures imposed by the EU. Nigel Farage, former leader of the anti-EU United Kingdom Independence Party (UKIP), and Nick Griffin, head of the far-right British National Party, have both praised Putin for his leadership qualities; but so has Alex Salmond of the Scottish National Party, which seeks Scottish independence within the EU and supports social democratic policies.

For the most part, however, Russia's allies in democratic countries are found on the political right. A Swedish journalist who examined votes in the European Parliament reported that right-leaning Euroskeptic

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Putin's Foreign Admirers

"Putin decides what he wants to do, and he does it in half a day, right? He decided he had to go to their parliament—he went to their parliament, he got permission in 15 minutes.... He makes a decision and he executes it, quickly. Then everybody reacts. That's what you call a leader."

—Rudolph Giuliani, former New York City mayor

"In my opinion, Putin is right on these issues.... Obviously, he may be wrong about many things, but he has taken a stand to protect his nation's children from the damaging effects of any gay and lesbian agenda."

—Franklin Graham, American Christian evangelist

"Putin is certainly a pure democrat, but with an authoritarian style. Russia is a great state. The president has been endowed with great power by the constitution.... Putin tries to keep Russian interests from his perspective."

—Heinz-Christian Strache, leader of Freedom Party of Austria

"As an operator, but not as a human being, I would say Putin [is the most admirable world leader]. The way he played the whole Syria thing. Brilliant.'"

—Nigel Farage, former leader of UK Independence Party

"I admire his cool head. Because there is a cold war being waged against him by the EU at the behest of the United States, which is defending its own interests. I admire that he has managed to restore pride and contentment to a great nation that had been humiliated and persecuted for 70 years."

—Marine Le Pen, leader of France's National Front

"Between Putin and [Italian prime minister Matteo] Renzi I will always choose Putin. I wish Putin tomorrow morning became chairman of the Council of Ministers of Italy.... Punishment against Russia [through sanctions] is a stupid measure, which will cost us 5 billion euros. If there is a part of Ukraine, which wants to be Russia, I don't see why not."

—Matteo Salvini, national secretary of Italy's Northern League

parties supported Russian interests on a select group of issues. The most reliable pro-Russian party was Dutch politician Geert Wilders' Party for Freedom, followed by France's National Front, Italy's Northern League, the Swedish Democrats, and UKIP.[10]

Putin and other Kremlin officials speak of Russia as a successful example of interreligious harmony, boast of government policies to ensure fair treatment for Russia's large Muslim population, and denounce those who brought down Yanukovych's government in Ukraine as fascists and pogromists. Yet when it comes to potential allies in Europe, it makes no difference to the Kremlin whether a party has views that are racist, anti-Semitic, Islamophobic, or even openly fascist. Russia welcomes the support of parties like Jobbik, with its history of anti-Semitism and contempt for Hungary's Romany population, and has no qualms about right-wing parties that speak of Muslims as criminals and rapists.

For Russia, the payoff from this strategy is a network of parties that identify with the Kremlin's hatred of liberal values, support Russia on critical foreign policy issues, and praise Putin as a strong leader. While some of these parties are still marginal forces in domestic politics, a growing number are regarded as legitimate contenders, especially since an uncontrolled influx of refugees and an increase in terrorist attacks dented public trust in mainstream parties. Even if Russia remains unpopular in most European countries, the fact that increasingly influential political figures laud Putin for his energy, decisiveness, and eagerness to challenge liberal orthodoxies is regarded as a gain for Moscow. As these parties acquire a share of governing power in EU states, the prospects for a recognition of the Crimea annexation and the abandonment of economic sanctions improve significantly.

The benefit for European far-right parties is less clear. Though they claim to be champions of national sov-

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ereignty, they are aligning themselves with a Russian leader who has sought to dominate neighboring states and who regularly invokes his country's imperial and Soviet past. Putin has refused to apologize for Russia's historical subjugation of Central and Eastern Europe. He has defended the Soviet Union's occupations as necessary to secure its national interests, and denounced the movement of former Soviet bloc countries to join the EU and seek protection in the North Atlantic Treaty Organization (NATO).

Far-right parties apparently see Putin not as a threat to national security, but as an exemplar of their own nationalist values. Like him, they hope to build a strong national state without regard for international agreements, domestic checks and balances, or fundamental human rights. Putin's contempt for democracy carries no stigma among these parties, for which elections and civil liberties are purely instrumental. While Le Pen, Wilders, and their ilk need elections as a means of gaining power and a free press to convey their arguments, they are hostile to the extension of rights to immigrants and minorities, and unenthusiastic about independent courts that might block their initiatives. To the extent that the EU enforces democratic norms in its region, Putin and Europe's far right have a common enemy in Brussels.

Flacks for autocrats

Paul Manafort, a Washington lobbyist and consultant, had a long career of work for leading Republicans, including presidents Richard Nixon, Gerald Ford, and Ronald Reagan. But by the time he became Donald Trump's campaign chairman in 2016, Manafort was best known for his work on behalf of foreign political leaders, including several with distinctly autocratic pedigrees: Ferdinand Marcos, the strongman of the Philippines until 1986; Mobutu Sese Seko, the kleptocratic dictator of what is now the Democratic Republic of Congo; Sani Abacha, a Nigerian military ruler; and Viktor Yanukovych, president of Ukraine from 2010 to 2014, when he was forced to abandon the presidency and flee to Russia in the wake of nationwide protests.

Manafort's work to dress up the images of Marcos and Mobutu stood out at a time when American consultants seldom represented dictators or authoritarians. In the 1980s, U.S. political operatives with experience in major campaigns were expanding their clientele to include foreign governments and political parties, though usually in democratic settings.[11]

By 2005, when Manafort signed on to work with Yanukovych, political consultants, public relations specialists, and blue-chip law firms were earning fees paid by a majority of the world's autocracies, dictatorships, and illiberal regimes. Some, especially Middle Eastern monarchies, are American allies. But others are hostile to democracy and regard the United States—and often the EU—as adversaries. The lobbyists and spin masters they employ are not located exclusively in the United States. Authoritarians with the requisite means and interests have hired representatives in London and Brussels as well as Washington and New York.

Lawyers and consultants often represent dictatorships indirectly, through state-owned enterprises. A number of China's state businesses have hired legal and political consultants in major democracies, as have state energy corporations in oil-rich countries like Azerbaijan, Venezuela, and Angola.

But authoritarian governments generally seek the assistance of global public relations companies in the wake of repressive crackdowns at home or acts of aggression against neighbors. During Manafort's relatively brief tenure with the Trump campaign, it emerged that several American firms had been contracted to discourage Congress from criticizing the Yanukovych government for its jailing of Yanukovych's 2010 presidential campaign rival, Yuliya Tymoshenko. That effort failed, as members of Congress and the American media made Tymoshenko's fate a crucial criterion in their assessment of Yanukovych's record.[12] Manafort had more success in his earlier work to prepare Yanukovych for his candidacy in 2010. Ukrainian observers credited the American adviser with smoothing Yanukovych's rough edges, convincing him to stay on message, and reminding him that it was important to assure U.S. and European audiences that he was committed to democracy and the fight against corruption.[13]

In 2016, Reuters reported that five global public relations firms had competed for a contract to improve China's image abroad. The planned campaign would presumably repair reputational damage caused by the Chinese government's intensifying domestic repression, its aggressive territorial policies in the South China Sea, and a push by Chinese companies to acquire crucial assets in democratic countries. The firms that participated in the public relations audition were Hill+Knowlton, Ogilvy, Ketchum, FleishmanHillard, and Edelman. According to the Reuters account, the firms were asked to give a presentation "on China's most pressing image problems and demonstrate their expertise on managing new forms of media."[14]

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Several other examples of consultants in the pay of authoritarians are worth mention:

- Until rather recently, Azerbaijan was represented by a battalion of lawyers, political operatives, and public relations specialists in Washington, London, and Brussels. While some worked for the national energy company, others were hired directly by the government to explain away the regime's miserable human rights record to the administration, members of Congress, think tanks, and other opinion makers in the United States.[15]

- Bahrain spent over $32 million between 2011, when political protests broke out, and 2015 on political consultants in the United States and Britain. During that period, the country experienced an explosion in the number of political prisoners as the Sunni Muslim monarchy carried out an often violent persecution of the Shiite majority.[16]

- Despite their efforts to hollow out Venezuela's democratic infrastructure and their virulent anti-Americanism, the late Hugo Chávez and his successor, Nicolás Maduro, had no difficulty in finding American consultants who would represent the interests of their government and the national oil company.[17]

- Richard Burt, a former U.S. diplomat in Republican administrations, earned hundreds of thousands of dollars promoting a critical Russian energy project while also helping to shape candidate Trump's foreign policy positions. According to Politico, Burt received $365,000 in the first half of 2016 for lobbying on behalf of Nord Stream II, a Russian-backed pipeline plan that would deliver more natural gas directly to Western and Central Europe via the Baltic Sea, bypassing Ukraine and Belarus. At the same time, Burt was helping to write a major Trump foreign policy address. That speech, among other things, called for greater cooperation with Russia.[18]

- In early 2017, an Egyptian intelligence agency hired two Washington public relations firms to lobby on the country's behalf and boost its image. Filings with the Department of Justice showed the General Intelligence Service hired Weber Shandwick and Cassidy and Associates in a deal worth $1.8 million annually.[19]

- Michael Flynn, who served briefly as President Trump's national security adviser, did lucrative consulting work for a firm with ties to the government of Turkish president Recep Tayyip Erdoğan before and immediately after the 2016 election. Among other things, Flynn wrote an op-ed that urged the American government to expel Fethullah Gülen, a controversial cleric who was accused by the Turkish government of masterminding the 2016 coup attempt. Flynn's consulting firm was paid $535,000 for work between September 9 and November 14.[20]

Balance sheet

Even as they declare their disdain for liberal values, modern authoritarians take maximum advantage of the freedoms that are embedded in democratic systems. Russia, China, Venezuela, Iran, and others have established television networks that broadcast beyond their borders to countries around the globe. Viewers in the United States or Europe can watch Russia's RT or China Central Television on their local cable systems. Pro-Beijing tycoons have gained a strong foothold in the Hong Kong press landscape, and Chinese businesses are making substantial investments in Hollywood studios and production companies.

Russia would not tolerate a foreign power providing funding for an opposition political party. Yet it helps to finance France's National Front and quite possibly Hungary's Jobbik. In 2013, Greenpeace activists attempted to scale a Russian offshore drilling platform as part of a protest against Arctic oil exploration; the authorities arrested the protesters, charged them with piracy, and held them for two months before their release.[21] Yet at the same time, the Kremlin was allegedly fostering anti-fracking demonstrations in parts of Central and Eastern Europe.[22] Russia organizes bogus election-monitoring missions that give a stamp of approval to polling in Crimea and other authoritarian settings, while effectively preventing legitimate election observation teams from functioning on its own soil.

Authoritarian states also rent the services of former government officials and members of Congress, powerful lawyers, and experienced political image-makers to persuade skeptical audiences that they share the interests of democracies. These lobbyists work to advance the economic goals of their clients' energy companies and other businesses, but they also burnish the reputa-

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tions of regimes that have been sullied by the jailing of dissidents or opposition leaders, the shuttering of media outlets, or violent attacks on peaceful demonstrators.

Is the money that authoritarians allocate for image beautification well spent? Some campaigns have been more successful than others, but autocracies that hire well-known former cabinet secretaries or elected officials to defend or deny their acts of repression often fail to sway either the public or the policy community in the United States. If democratic leaders have not mounted adequate responses to such repression, it is generally because of other strategic concerns or simple neglect, not because lobbyists have persuaded them that the regime in question is benevolent and just.

Authoritarian efforts to change governments, as opposed to perceptions, may ultimately prove more rewarding. Russia's wager on the rise of friendly European populist parties already seems to be paying off. After Britain's vote to withdraw from the EU and the triumph of Donald Trump in the United States, the prospect of radical shifts in global politics can no longer be dismissed as unthinkable.

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Chapter 7

Bullying the Neighbors: Frozen Conflicts, the Near Abroad, and Other Innovations

Vladimir Putin's publicists have used the phrase "sovereign democracy" to describe the political system that evolved in Russia under his leadership.[1] In practice, however, Putin's regime respects neither democracy nor sovereignty.

Sovereign democracy bears no more resemblance to the unmodified original than did previous variants: guided democracy, managed democracy, people's democracy. Nor does sovereign democracy represent a genuine commitment to the notion of national sovereignty, as countries on the Russian periphery will attest. On repeated occasions, Putin has demonstrated a readiness to intervene in the affairs of nearby countries by fomenting ethnic discontent, undermining the economy, or grabbing territory.

Putin has in effect set down a doctrine of limited sovereignty for Russia's neighbors, especially those that were part of the Soviet Union. The Kremlin's tactics are meant to keep these countries fearful and off balance. The instruments of choice range from the nonviolent, such as destabilizing propaganda and economic pressure, to the lethally aggressive, such as proxy insurgencies and outright invasion.

The following are the main techniques employed by the Kremlin to influence the actions of its neighbors:

1. **Civil society and 'traditional values':** The Kremlin has funded and encouraged pro-Russian civil society organizations in neighboring states to build influence among local populations and promote its policies and interests. The Russian government has also exploited its partnership with the Orthodox Church to present itself as a champion of "traditional values," and to portray opponents—including human rights activists and European democracies—as purveyors of hedonism and immorality.[2]

2. **Propaganda offensives:** The Kremlin has made powerful use of Russian-language media, especially state-controlled television stations, to spread disinformation and foment discontent among ethnic Russians in the Baltics, Ukraine, Moldova, and elsewhere.

> "Certainly within the next four to five years [Russia] will have the ability to conduct operations in eastern Ukraine and pressure the Baltics and pressure Georgia and do other things, without having to do a full mobilization."
>
> **—U.S. Lieutenant General Ben Hodges**

3. **The energy weapon:** At various times during Putin's tenure, Russia has sought to use its oil and natural gas exports as a means of disciplining Ukraine and other neighbors. It has raised and lowered prices for political reasons, abruptly halted deliveries in the dead of winter, and manipulated pipeline routes and investments to drive a wedge between Germany and other European powers on one side and the Baltic states and Ukraine on the other.

4. **The trade weapon:** Russia has invoked dubious health concerns and other pretexts to block the import of products from countries whose governments displease Putin, including Georgia, Moldova, and Poland, as well as the European Union (EU) as a bloc.[3]

5. **Cyberwarfare:** Russian-backed hackers are widely believed responsible for a powerful 2007 cyberattack on government websites in Estonia in the wake of a controversy over the removal of a war memorial. Other countries in the region have since suffered similar attacks, particularly Ukraine following the 2014 ouster of President Viktor Yanukovych and Russia's invasion of Crimea and the Donbas.

6. **Military threats:** In the wake of the Ukraine invasion and subsequent sanctions, the Russian military launched a series of military exercises on its borders with the Baltic states and intensified more distant patrols that tested the readiness of a number of European navies and air forces.

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7. **Military invasions:** Russian forces poured into Georgia through its two breakaway territories, Abkhazia and South Ossetia, during a brief conflict in 2008. In 2014, Russian troops occupied Crimea, oversaw a stage-managed referendum on annexation there, and unofficially entered eastern Ukraine en masse to support a supposedly indigenous rebellion by ethnic Russian separatists.

8. **Frozen conflicts:** The term "frozen conflict" indicates a condition in which active fighting has ended or subsided but there is no peace agreement beyond a tenuous cease-fire. Under Putin, Russia has perpetuated or created frozen conflicts that affect Armenia, Azerbaijan, Moldova, Georgia, and Ukraine. In each case, the Kremlin retains for itself the capacity to subdue or escalate tensions as needed to maximize its political influence over the relevant country.

Moscow applies these tactics according to its objectives for a particular country or region. For nearby EU and North Atlantic Treaty Organization (NATO) member states, the goal is to remind local political leaders that Russia can play a disruptive role, and to inject a measure of fear into foreign policy calculations. While the Kremlin holds out the possibility of military invasion as an option, its preference thus far has been to promote instability and uncertainty.

Russia's message is meant both for the target country and for its more distant allies. The target country is effectively warned that challenging Russian interests could provoke serious reprisals. For allies like the United States, Britain, or Germany, the message is that solidarity with the target country could entail a heavy cost, including the possibility of a shooting war in which they are obliged to defend small NATO member states like Estonia and Latvia.

The 'Russian world'

A favorite theme of Kremlin propaganda is the so-called Russian world, a cultural or civilizational space that extends beyond Russia's political borders. This deliberately flexible and nebulous concept suggests that Russia claims the right to intervene wherever its perceived brethren—ethnic Russians, other Russian speakers, Orthodox Christians—are under threat.

Putin has spoken of one million Russians cut adrift by the collapse of the Soviet Union. He has said it is his obligation to protect these people, and he has tried to appeal to them through culture, history, and the media. His press spokesman, Dmitriy Peskov, has said that "Russia is the country that underlies the Russian world, and the president of that country is Putin; Putin precisely is the main guarantor of the security of the Russian world."[4]

In 2014, amid Russia's invasion of Ukraine, Putin dredged up the tsarist-era term Novorossiya to describe a large swath of southeastern Ukraine that he hinted might be annexed. Suddenly, the Novorossiya idea began appearing in Russian media, complete with maps, while Russian-backed separatists moved to write the "history" of the region into textbooks.[5] Eventually Putin dropped Novorossiya from his speeches, having successfully stoked fears that the Ukraine conflict could widen beyond Crimea and the Donbas. The international community was then apparently meant to feel grateful that Russian forces did not press their attack any further.

In practice, Putin has invoked the idea of a greater Russian world to intimidate only countries that have embraced democracy and seek closer ties to the EU and NATO. He has shown little interest in ethnic Russians and other residents in Central Asian states like Kazakhstan and Uzbekistan, even though they suffer under political conditions that Freedom House ranks as among the least free in the world.[6]

The case of Estonia

Throughout its history, Estonia has been fought over by Russia and European powers to the west. During World War II, it was occupied by the Red Army and forcibly annexed to the Soviet Union. Its elites and intellectuals were murdered or deported to the Soviet gulag, and the Estonian people endured over four decades of Sovietization and Russification, including a policy of encouraging Russian speakers to relocate to Estonia.

The country regained its independence in 1991 with the disintegration of the Soviet Union. From early on, relations between the ethnic Estonian majority and the sizeable ethnic Russian minority have been difficult. Estonia has adopted citizenship laws that require many ethnic Russians to pass an Estonian language test, and they complain of being treated as second-class citizens. In opinion surveys, however, Russian speakers show little enthusiasm for becoming citizens of Russia, and have indicated an appreciation for the access to Europe that citizenship in an EU country confers.[7]

There are an estimated 300,000 ethnic Russians in Estonia. Approximately three-quarters get their news

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through Russian television stations. On a daily basis, they are exposed to propagandistic programs in which the EU is demonized, NATO is treated as an aggressor, the democracies on Russia's borders are presented as enemies, and the annexation of Crimea is hailed as a milestone in the rebuilding of a great Russian state.[8]

By exploiting the tensions that already exist between Estonia's ethnic communities, the Kremlin has sought to turn a complex problem into something combustible. The tendency of Russian speakers and ethnic Estonians to live in parallel universes is exacerbated by Russian propaganda, which depicts the Estonian political leadership as hostile to Russians and as members of a cosmopolitan European elite that promotes sexual degeneracy and cultural radicalism. Moscow also tries to create distrust of the Baltic states among their NATO allies by depicting them as overly emotional, irresponsible, and intent on dragging other countries into a conflict with Russia.

There is no strong evidence that Russian speakers in Estonia are simply embracing the Russian explanation of things. Instead, they tend to reject both Russian and Estonian sources of information. This is in itself a victory of sorts for Russia, since the goal of external Russian propaganda is less to win people over to its way of thinking than to sow confusion and mistrust. Moscow's interests are served so long as Estonian society remains divided. As a report on the integration of Russian speakers in Estonia concluded, "They [ethnic Estonians and Russian speakers] reside in separate information spaces and hold divergent perceptions and perspectives not just about each other, but also about the Estonian state and its history, its threat environment, and its national security policies. Since these two Estonias do not fully trust one another, when security developments put pressure on the country they tend to drift to opposing poles—especially if the factor of Russia is involved."[9]

A wolf in sheep's clothing

In their campaign to assert control over countries on Russia's periphery, Kremlin officials have not hesitated to use traditional authoritarian methods, up to and including military invasion and the creation or support of proxy insurgents. But they have taken care to defend their efforts in terms meant to appeal to, or at least confuse, democratic audiences.

This is especially the case with propaganda broadcasts. While the Russian government has sought to prevent foreign news services like Radio Free Europe/Radio Liberty from reaching the Russian people, it expects its own broadcasts to remain unhindered in neighboring democracies, which are committed to freedom of expression. Thus when Latvian authorities imposed a six-month ban on the Russian television channel Rossiya RTR for inciting ethnic hatred in April 2016, Russian officials called on international watchdog bodies to investigate the incident as a violation of media freedom.[10]

Something similar is at work in the nongovernmental organization (NGO) sector. Moscow has established or supported a series of charities, think tanks, and associations that promote Russian interests, claim to represent Russian minorities, and in some cases advance secessionist causes in the near abroad.[11] The Russian government presumes that these organizations will be allowed to operate without restriction in democracies. Meanwhile, it compelled the U.S. Agency for International Development (USAID) to close down its Russia operations in 2012, and has banned contact between Russian NGOs and foreign organizations that have been placed on its "undesirable" list.

Russia has also used the extensive distribution of passports to draw populations involved in frozen conflicts—or potentially involved in future conflicts—into its orbit, and to justify its meddling in neighboring states. Rather than conquering a foreign people, the Russian authorities convert foreign individuals into Russian citizens, then claim a right to defend them from what had been their own government. Up to 90 percent of those living in Georgia's breakaway region of South Ossetia have Russian passports, which are accessible to anyone who still has Soviet documents or at least one ancestor who was a permanent resident of Russia, among other forms of eligibility.

Limited sovereignty, limited options

For Russia's neighbors, the constant intimidation and interference from Moscow have significant consequences. Most importantly, normal political development becomes difficult, and sometimes impossible. The affected countries lack full sovereignty in the sense that they are not free to make fundamental decisions about their political systems, their trading partners, and whether to integrate into Euro-Atlantic institutions. Their national identity and existence as states are regularly cast into doubt. Democratic reform often takes a back seat to security concerns, or to policy concessions aimed at maintaining good relations with Russia.

Prior to the saber rattling from the Kremlin, Estonia had an economy with one of Europe's higher rates of

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growth and was among the vanguard in embracing e-government and other innovations associated with a modern open society. Since the invasion of Ukraine and the Russian military's menacing gestures along its border, Estonia has ramped up defense spending and launched war games to increase preparedness. Indeed, all three Baltic countries announced major increases in military spending in 2016.

Conditions are even worse for states where Russia has instigated frozen conflicts. Russia maintains military bases in Abkhazia and South Ossetia, both on the territory of Georgia, and in Transnistria. These enclaves, as well as the occupied portions of Ukraine, are impoverished, heavily militarized, and marked by gangsterism and corruption.

Crimea is an instructive case for neighboring peoples who live under the threat of Russian military intervention. Residents of the peninsula enjoyed a reasonable array of civil liberties under the Ukrainian government. Under Russian occupation, all that has changed. Moscow has sent Russian officials to run the region as de facto viceroys. Freedom of the press, which was relatively vigorous before 2014, has been extinguished, and independent voices have been arrested or forced into exile. Property rights are routinely ignored, and expropriation is used as a blunt instrument against those who oppose the new order.

The fate of the Crimean Tatars is especially tragic, given the group's history of persecution and mass removal during Soviet times. Their leaders have been silenced or driven out of the region, their commemorations banned, and their media muzzled. By supporting a still-deadly frozen conflict in eastern Ukraine, the Russian leadership has ensured that the attention of policymakers in the democracies will be focused on the fighting there, and not on the dreadful conditions in Crimea.[12]

Since its invasion of Ukraine, Moscow has done its best to maximize the intimidating effect on other neighbors. It conducted war games in which 33,000 troops rehearsed the invasion of Sweden, Norway, Finland, and Denmark.[13] The Russian navy has held multiple, large-scale exercises in the Black Sea to defy NATO, assert its control over Crimea, and threaten Georgia.[14] Russian and Abkhaz separatist officials have announced what amounts to a merger of troops from the two sides under the command of a Russian officer.[15] Russia's military is developing the capacity to simultaneously carry out several operations on the scale of the Ukraine conflict—limited, rapid offensives involving elite troops, deception, and propaganda that would leave opponents fumbling for an appropriate response.[16] The intervention in Syria has already demonstrated Russia's ability to project force unexpectedly in a new theater while maintaining its existing engagements in Ukraine and elsewhere.

Russia's renewed embrace of cross-border aggression has had wide repercussions in Central Europe, a region that had expected a secure alignment with the democratic world after the end of the Cold War. Poland, for example, had achieved something quite remarkable prior to 2014, given its history of domination by outside powers. It enjoyed friendly relations with Germany, one of its past occupiers, and stable ties with Russia, traditionally the other main threat to its sovereignty. After the annexation of Crimea, Poland's leaders were forced to seriously contemplate the possibility of a Russian invasion, especially given Putin's bellicose language about the speed with which his tanks could reach nearby capitals.[17] As a result, Poland has embarked on a military buildup to maintain its hard-won independence and territorial integrity.[18]

But no single European country could ever match Russia's present military might. If Poland, the Baltic states, and their allies fail to maintain solidarity based on shared democratic standards, it will not be long before their sovereignty erodes under pressure from the Kremlin.

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Chapter 8

Back to the Future

Until recently, a distinguishing feature of modern authoritarianism was the ruling group's ability to consolidate political power without resorting to the brutal tactics that defined the mainstream dictatorships of the 20th century.

The political leadership maintained control of the commanding heights of the media while tolerating a small group of critical outlets as a safety valve for dissent and in order to tout the existence of diverse opinions in the news. Reformist nongovernmental organizations (NGOs) were allowed to operate, but not to grow or gain traction. The regime used violence against its critics, but only sparingly, targeting a few dissidents or independent journalists as a deterrent to others. And they were careful to keep the number of political prisoners to a minimum.

Perhaps most importantly, modern authoritarian regimes generally refrained from overt acts of hostility toward their neighbors. Some, such as China, boasted of a policy that sought harmonious, mutually beneficial relations with other regional states. Turkey similarly claimed a policy of "zero problems" with its neighbors in the period before the Syrian civil war.

Freedom House's Tyler Roylance has described a "common set of concessions" that 21st-century authoritarians made to the prevailing democratic ethos in the wake of the Cold War, when these regimes were balancing domestic political control with the need for deeper integration into the global diplomatic and economic systems:

- **Economic openness:** Rather than attempting to preserve a closed, command, or autarkic economy, the typical "modern authoritarian" regime cultivated extensive connections with the outside world, creating a sense of freedom and prosperity. However, state enterprises and crony tycoons retained a dominant position, and pliant legal systems allowed the leadership and other corrupt officials to set and routinely reset the terms of economic participation for foreign companies, investors, and local entrepreneurs.

- **Pluralistic media:** Formal prepublication censorship and media monopolies were abandoned in most cases, clearing the way for a proliferation of commercialized, well-produced, and often entertaining media outlets. But the state and its agents retained direct or indirect control of key sectors, manipulated mainstream news coverage, and kept truly independent journalism on the margins of the information landscape.

- **Political competition:** Most regimes allowed multiparty systems to emerge, and held regular elections, but opposition parties were fabricated, coopted, or defanged in practice, allowing the ruling group to retain a de facto monopoly on power.

- **Civil society:** Nongovernmental organizations were permitted to operate, but they were kept under close watch and forced to compete with state-sponsored groups. Organizations focusing on apolitical topics like public health or education often received less scrutiny than critical human rights activists, who were variously belittled, harassed, or suppressed.

- **Rule of law:** Twentieth-century authoritarian staples like martial law, curfews, mass arrests, and summary executions were largely left behind, and force began to be used more selectively, so that most of the population rarely experienced state brutality. Dissidents were punished through the legal system, with its vaguely worded laws and obedient judges, and in cases where extralegal violence was used, state authorship was either hidden or not acknowledged. Only certain ethnic minorities faced naked military force or deadly police tactics.[1]

While more calibrated and less expansive methods of repression are the defining feature of modern authoritarianism, the past few years have seen a reemergence of older methods that undermine the illusions of pluralism, openness, and integration into the global economy.

The most extreme departure from the modern authoritarian policy of balancing national ambitions with participation in global governance was Russia's invasion of Ukraine and annexation of Crimea. No breach of international standards of that magnitude had been committed since

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Iraq's seizure of Kuwait in 1990. China's claim of ownership of the South China Sea, along with its creeping militarization of previously uninhabited islets, is at least as ambitious as Russia's move, though the impact is perhaps less jolting given the dearth of occupied populations.

There have been other reversions to 20th-century methods of repression. For example:

- **Political prisoners:** During the 20th century, opposition figures, political dissidents, advocates for minority groups, and people who wrote critical commentaries were regularly sentenced to prison terms, often under grim conditions, by dictatorships of all stripes. Amnesty International's founding mission was the defense of what were called "prisoners of conscience," and they ranged from dissidents and Jewish refuseniks in the Soviet Union to those who resisted right-wing juntas in Latin America. Soviet dissidents like Natan Sharansky and Vladimir Bukovsky were the focus of international campaigns organized by human rights organizations and cautiously embraced by the United States and other governments.

  The ranks of political prisoners declined substantially after the end of the Cold War and the collapse of dictatorships in Latin America, Asia, and to a certain extent Africa. Indeed, it was a major objective of the new authoritarianism to maintain political control without shedding blood or putting people behind bars, actions that provoked condemnation by human rights advocates, democratic governments, and UN entities.

  Recently, however, the political prisoner has made a comeback. One notably egregious offender is Azerbaijan. Under President Ilham Aliyev, this country of just 9.4 million people has amassed one of the world's largest numbers of political prisoners per capita, with approximately 80 prisoners of conscience during 2015, according to verified figures. Azerbaijan's repression has grown despite the fact that Aliyev already enjoyed near-total control of key institutions and distinctly gentle treatment from U.S. and European political leaders due to Azerbaijan's role as an alternative to Russian energy exports.

  Venezuela also has a substantial number of political prisoners—around 100 as of June 2016, according to credible sources, including prominent members of the political opposition.[2] Under President Abdel Fattah al-Sisi, some estimates suggest that Egypt holds as many as 60,000 political prisoners.[3] Turkish authorities have similarly rounded up tens of thousands of people in the wake of the July 2016 coup attempt. A much smaller country, Bahrain, has convicted hundreds of people of political crimes since 2011, when the monarchy began arresting members of the political opposition who were demanding democratic elections and other freedoms.[4]

  China is in a class by itself. Since the 1989 crackdown on prodemocracy protests in Tiananmen Square, the Communist Party leadership has regularly jailed political dissidents, especially those who argued publicly for democratic political changes or made gestures toward the formation of opposition political parties. The most notable political prisoner is Liu Xiaobo, the Nobel Peace Prize winner who was sentenced to 11 years in prison in 2009. However, conditions have grown far worse under President Xi Jinping, as a numbing procession of lawyers, journalists, bloggers, women's advocates, minority rights campaigners, and religious believers have been detained, placed under house arrest, disappeared, or sentenced to prison.[5]

- **Public confessions:** Humiliating public confessions of ideological crimes were a staple of Soviet leader Joseph Stalin's purges and Mao Zedong's Cultural Revolution in China. They were also employed by Eastern European satellite regimes during the show trials of the late 1940s. A peculiarly communist technique, the public confession was largely abandoned after the deaths of Stalin and Mao.

  Under Xi, China has revived the practice. A growing list of editors, human rights lawyers, and advocates of political reform have been coerced into making televised confessions of their "crimes." The Chinese authorities even intimidated a Swedish citizen, legal reform activist Peter Dahlin, into confessing that he broke Chinese law and "hurt the feelings of the Chinese people." Dahlin was accused of endangering state security by funding human rights lawyers and compiling reports on the state of human rights in China.[6]

  Intensified media domination: Most modern authoritarian countries allowed a sufficient degree

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of criticism in the media to justify a tenuous claim of pluralism. In recent years, tolerance for ideas and opinions that are not aligned with those of the regime has steadily eroded. In Russia, a bad situation became much worse after the invasion of Ukraine in 2014. Those who criticized or even raised questions about the morality or wisdom of the Kremlin's actions were persecuted, dismissed from employment, and banned from media commentary. Putin also expanded the zone of media control from the mainstream television and print sectors to the internet.

In Venezuela, one opposition or independent voice after another has been neutralized, as key newspapers and television stations were sold, under duress, to businessmen with ties to the government. The new and often opaque owners generally watered down political reporting and forced out prominent journalists.[7]

Even before the 2016 coup attempt, media freedom in Turkey was deteriorating at an alarming rate. The government, controlled by President Recep Tayyip Erdoğan's Justice and Development Party, aggressively used the penal code, criminal defamation legislation, and antiterrorism laws to punish critical reporting. Journalists also faced growing violence, harassment, and intimidation from both state and nonstate actors. The authorities also used financial and administrative leverage over media owners to influence coverage and muzzle dissent.[8]

- **War propaganda:** For some time, propaganda from Russia, China, and other authoritarian countries stressed a hostility toward liberal values and democracy, framed around a relentless anti-Americanism. There were, however, certain redlines that propagandists were unlikely to cross. They would criticize American foreign policy and blame it for a country's problems. But only rarely would they accuse Washington of warlike intentions, and they seldom if ever made military threats themselves. Since the invasion of Ukraine and the resulting economic sanctions imposed by the United States and the EU, Russian propaganda has assumed an uglier, more menacing tone. The same is true in China, where official expressions of hostility toward the United States and "Western" democratic values intensified—indeed took on a histrionic and belligerent character—after the ascension of Xi Jinping as Communist Party leader. In Turkey, progovernment commentators have accused the U.S. government and even an American think tank of involvement in the failed coup of 2016.[9]

- **Closing doors to the outside world:** More than anything else, modern authoritarianism is distinguished from traditional autocracy by its openness to relatively normal relations with the outside world. China, for example, long sought to balance calibrated repression at home with participation in an impressive array of global institutions. Beijing welcomed the establishment of local branches of foreign, mostly American, universities, joint research ventures with foreign scholars, and even the involvement of foreign NGOs in areas such as legal reform and environmental conservation. While more ambivalent about the international media, Chinese authorities did give unprecedented freedom of movement to foreign journalists in the period surrounding the 2008 Beijing Olympics. Russia was less welcoming to foreign involvement in the country, whether by governmental or private entities, but for a time it maintained academic exchanges with the United States and European countries, grudgingly tolerated foreign NGOs, and took some pride in the freedom of Russians to travel freely abroad.

Conditions have deteriorated over the past several years. In Russia, the government reduced trade with Europe in response to sanctions, imposed travel restrictions on millions of public-sector employees, smeared domestic human rights organizations as "foreign agents" for accepting international funding, and began blacklisting foreign NGOs as "undesirable." China has increased regulatory and legal pressure on foreign companies, bullied foreign countries into repatriating Chinese political refugees, significantly increased regulatory restrictions on foreign NGOs, and sharply curbed journalistic freedom for foreign correspondents.

Propaganda and official rhetoric in both countries has increasingly portrayed them as besieged fortresses, threatened on all sides by hostile foreign powers, spies, separatists, and traitors who seek to topple the government and deny the nation its rightful place in the world. In this environment, any interaction with foreigners

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becomes suspect, and national security takes precedence over the benefits of global integration.

- **Foreign aggression:** The revival of Russia as a military power has been a central goal of Putin's leadership. He increased troop levels, devoted billions of dollars to equipment modernization, and instituted a series of reforms designed to enable the military to engage in several limited conflicts simultaneously. To compensate for the material advantages of the United States and NATO, the Russian military developed a strategic approach known as hybrid warfare, which seeks to combine conventional tactics, espionage and subversion, cyberattacks, and propaganda so as to limit the role of traditional battlefield operations and, where possible, sow confusion as to who is responsible for the aggression and how it should be dealt with. The strategy has been put into action in Ukraine, and intrusive Russian patrols have also harassed foreign navies and air forces across Northern Europe. In Georgia, Russian troops have constantly encroached on the Tbilisi government by simply moving border fences encircling the Russian-backed separatist region of South Ossetia.

  China has also engaged in a massive military buildup, and is pressing its maritime territorial claims with huge fleets of coast guard vessels and new island bases that bristle with armaments. Its tactics at sea are openly aggressive, but stop just short of the sort of action that might trigger live fire.

  Iran has long cultivated indirect methods of foreign aggression, particularly through the covert equipping and training of allied Shiite militias in Arab states. In recent years, however, it has openly deployed these militias in large numbers—overseen on the front lines by high-ranking Iranian officers—to battle zones in Syria and Iraq, and it has increasingly drawn on Afghan recruits in addition to Arabs. Iran's regional rivals, chiefly Saudi Arabia and the United Arab Emirates, have responded with more direct foreign interventions of their own, most notably in Yemen.

The recent embrace of more overtly repressive policies stems in part from the common structural flaws of the modern authoritarian model. The question of succession in authoritarian governments is a constant source of tension, producing crises—such as Putin's return to the presidency after his circumvention of term limits in 2012—that require new crackdowns on dissent.

Moreover, because these regimes do not allow peaceful rotations of power through elections, they rely in large part on the promise of economic growth as a source of legitimacy. However, they also feature systemic corruption as a means of maintaining internal cohesion. All of this leaves them ill-equipped to cope with economic shocks and related public anger. The global economic downturn of 2008 and the more recent drop in energy prices have shaken economies and political establishments around the world, but while citizens of democracies can take their frustrations to the ballot box, authoritarian rulers must treat protests against austerity or unemployment as existential threats.

The promise of national greatness and the menace of external enemies are tried-and-true alternatives to economic prosperity as sources of regime legitimacy. Unfortunately, promoting these narratives also generates new cycles of dissent and repression, and damages ties with the outside world, further undermining the economy.

A transition from bad to worse

While the return to the blunt instruments of the past suggests a fundamental weakness in the modern authoritarianism model, it would be a mistake to conclude that these regimes are doomed to extinction. The emergence of this model was in fact a remarkable demonstration of adaptability on the part of authoritarian rulers, who faced a uniquely inhospitable environment in the years after the end of the Cold War. Democracy, human rights, and the rule of law were newly ascendant as the governing principles of the international order, and undemocratic leaders made the changes necessary to survive without surrendering their political dominance.

If they are now reversing some of these changes, it is not just because the basic structures and incentives of authoritarian rule tend to encourage greater repression over time. It is also because the external pressure to conform to democratic standards is rapidly disappearing.

Leading democracies have absorbed the economic blows of recent years without revolution or repression, but voter frustration has increasingly lifted up antiestablishment, populist, and nationalist politicians

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who have little interest in the democratizing mission traditionally espoused by mainstream parties with deep roots in the global struggles of the 20th century. The new mood is reflected in the democracies' foreign policies, many of which are aimed more at seeking national advantage than at promoting the common good.

The rise of populist politics in democracies could give modern authoritarianism a new lease on life. While it may no longer be as useful for entrenched autocracies to mask their nature with an illusion of pluralism, freely elected leaders with authoritarian ambitions can use similar techniques to replace genuine democratic institutions with hollowed-out façades. This process is already under way in the countries that have been dubbed "illiberal democracies."

With states across the spectrum shifting in an authoritarian direction, there is not much comfort in the fact that repressive regimes are fundamentally more unstable and vulnerable to breakdowns than democracies. Major authoritarian governments may collapse in the face of economic crises, popular protests, or succession battles. But in the absence of international pressure and support, it seems doubtful that they would be replaced by aspiring democracies. Indeed, they could be succeeded by something even worse.

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Conclusion

Authoritarianism Comes Calling

Until very recently, the spread of the methods and strategies described in this report has largely been greeted with complacency and indifference in the democratic world. Even as it became clear that the rejection of liberal values by Russia, China, and other authoritarian states was a permanent fixture of global politics, democracies convinced themselves that although modern authoritarianism posed a challenge to the spread of freedom beyond its current reach, their own freedoms were in no jeopardy.

In the aftermath of the stunning events of 2016, it is apparent that the post–Cold War democratic order is in fact facing an unprecedented threat. Britain's vote to leave the European Union (EU), the election of Donald Trump as president of the United States, and the emergence of populist demagogues across Europe have all raised questions about the future of democracy in its traditional bastions.

It can no longer be assumed that Russia's challenge to democracy is limited to its policies of internal repression and aggression toward neighbors like Ukraine and Georgia. The Kremlin's development of parallel institutions—government-controlled civil society, a propaganda machine based on the latest media technologies, realistic but purely decorative elections—was once regarded as a project intended for Russia alone. When Angela Merkel, in response to Russia's invasion of Ukraine, exclaimed that Vladimir Putin lives in a different world, she meant a specifically Russian universe where facts are irrelevant, international treaties are obsolete, and sovereignty is a matter of power rather than law.

Now, however, the Kremlin has attempted to project this version of reality onto the democratic world. In the United States, Russia brazenly interfered in the electoral process through hacking efforts sponsored by its intelligence agencies. Whether this interference actually affected the outcome of the election is subject to debate. But there is strong evidence, endorsed by the entirety of the U.S. intelligence establishment and numerous independent analyses, that the interference did occur.

Just as worrying is the suggestion that the United States, much like Russia itself, has entered a "post-truth era," in which lies and distortions carry as much weight as facts. Clearly, at least some of this hand-wringing was a partisan reaction to Trump's victory. But it followed an election in which the winning candidate falsely claimed, among other things, that the balloting was rigged against him, that violent crime had reached record levels, and that undocumented immigrants were responsible for a large share of the violence.

Meanwhile, as of early 2017, populist parties with Russian-friendly platforms and histories of nativism and other forms of bigotry were expected to gain ground in upcoming elections in countries like the Netherlands, France, and Germany.

As it became more obvious that the democracies were poorly equipped to contend with resurgent authoritarianism, the leading autocracies were experimenting with more frightening methods of assuring domestic political control.

China in particular seemed to take an Orwellian turn with the planned introduction of a social credit

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system. This form of digital totalitarianism would allow the state to gather information on Chinese citizens from a variety of sources and use it to maintain scores or rankings based on an individual's perceived trustworthiness, including on political matters. Chinese officials have claimed that by 2020, the system will "allow the trustworthy to roam everywhere under heaven while making it hard for the discredited to take a single step."[1] A citizen could receive bad marks for petitioning the government, participating in protests, or circulating banned ideas on social media.

As for Russia, the Kremlin complemented its covert interference overseas with open and ugly acts of repression at home. In one brief period in early 2017, Russian opposition politician Aleksey Navalny was blocked from competing in the 2018 presidential contest through a trumped-up criminal conviction, dissident journalist Vladimir Kara-Murza nearly died from his second suspected poisoning, and the Russian parliament passed a law to decriminalize domestic violence that results in "minor harm" such as small lacerations and bruising.[2] Proponents of the domestic abuse law hailed it as a win for traditional family values.

The confluence of authoritarian gains and setbacks for democracy suggest a number of conclusions:

1. Modern authoritarianism is a permanent and increasingly powerful rival to liberal democracy as the dominant governing system of the 21st century. Variations on the systems that have proved effective in suppressing political dissent and pluralism in Russia and China are less likely to collapse than traditional authoritarian states, given their relative flexibility and pragmatism.

2. The most serious threat to authoritarian systems lies in economic breakdown. However, Russia, China, and other major autocracies have shown themselves capable of surviving economic setbacks that, while affecting the standard of living, did not push citizens to the limits of endurance. The catastrophic case of Venezuela is a notable exception. Of the main countries examined in this study, only in Venezuela did the political leadership attempt to impose a socialist economic system and wage war on the private sector.

3. Illiberalism in democratic environments is more than a temporary problem that can be fixed through an inevitable rotation of power. In Hungary, the Fidesz government has instituted policies that make it difficult for opposition parties to raise funds or present their political message, creating a structurally uneven political playing field. Other elected leaders with authoritarian mindsets will take notice and follow suit.

4. Authoritarian states are likely to intensify efforts to influence the political choices and government polices of democracies. The pressure will vary from country to country, but it will become increasingly difficult to control due to global economic integration, new developments in the delivery of propaganda, and sympathetic leaders and political movements within the democracies. Putin and his cohorts have learned well how to use democratic openness against democracy itself.

5. Authoritarian leaders can count on an increasingly vocal group of admirers in democratic states. For several years now, European parties of the nationalistic right and anticapitalist left have forged ties with Moscow and aligned their goals with Putin's. The 2016 U.S. presidential election revealed a new constituency, albeit small, that harbors respect for Putin despite his hostility to American interests and his interference in the country's democratic process. A disturbing number of advisers to the Trump campaign, including Trump himself, expressed admiration for Putin and his system. In addition, various political figures and commentators have praised or come to the defense of despotic rulers including Abdel Fattah al-Sisi and Bashar al-Assad.

6. Modern authoritarians can be expected to double down on their drive to neuter civil society as an incubator of reformist ideas and political initiatives. Civil society can serve as a vibrant alternative to mainstream democratic parties as those parties fall prey to corruption, elitism, and ossification. After the Kremlin effectively defanged the collection of human rights organizations, conservation projects, election monitors, and anticorruption committees in Russia, other autocrats and illiberal leaders began to act in similar fashion. Both Viktor Orbán in Hungary and the leaders of the Law and Justice party in Poland have spoken of "bringing order" to the nongovernmental sector, though serious restrictions on freedom of association have yet to be adopted by an EU state. That could change in 2017.

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7. The rewriting of history will become more widespread and will greatly complicate societal efforts to confront both past and present political abuses. The rehabilitation of Joseph Stalin and the airbrushing of Mao Zedong's destructive reign serve to facilitate an authoritarian form of nationalism in which strength and unity supersede justice and freedom, and the state is exalted at the expense of individual human beings.

8. Authoritarian or illiberal forces are more likely to gain supremacy in countries where the parties that represent liberal democracy do not simply lose elections, but experience a full-blown political collapse, whether through corruption, ineptitude, or failure to build lasting bonds with the public. In the end, elections do matter, and real change still requires victory at the polls. This is why robust, self-confident, and uncorrupted opposition parties are essential to democracy's survival.

Recommendations

In studies of this kind, recommendations are primarily addressed to policymakers, particularly in the administration and Congress of the United States. Given the election of Donald Trump, however, a different approach is called for.

Trump has made clear again and again his admiration for Vladimir Putin, to the point of asserting a kind of moral equivalency between the Russian and American governments. Since he assumed office, Trump and certain aides have encouraged in America the kind of "post-truth" environment that has prevailed in Russia under Putin. The new president has shown no interest in an American role in promoting human rights and democracy around the world; indeed, he seemed to dismiss this core element of U.S. foreign policy in his initial address to Congress, instead emphasizing "harmony and stability" and "the sovereign rights of all nations." Under these circumstances, to rely first and foremost on the U.S. government to meet the challenge posed by Russia, China, and other authoritarian states would amount to an exercise in futility.

The role of governments, both in the United States and Europe, will remain crucial. But the threat posed by modern authoritarianism has spread well beyond its original proving grounds. To some extent, the problems discussed in this report have already infected the United States and a number of European countries. They represent a menace to the media, academic freedom, civil society, electoral systems, and the rule of law. They even put in jeopardy the integrity of the facts and figures that an accountable government and a successful economy require. When the values of the political leadership are seen to waver, independent, nongovernmental voices and institutions will be called upon to do their part—not just to defend democracy at home, but to convince skeptical politicians and citizens that supporting the same struggle abroad serves the public interest.

To the U.S. government: We urge the Trump administration to appoint a director of global communications who is experienced in journalism and allow that person to build a program to counter hostile authoritarian messaging through up-to-date delivery techniques, honest reporting, and forthright commentary. Near the end of 2016, Congress passed legislation that placed the country's government-supported international media outlets—Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), and their sister services focused on Asia and other regions—under more direct presidential control, on the theory that a commander-in-chief who was committed to countering aggressive Russian influence would be better able to develop and implement new strategies. President Trump has yet to indicate how he intends to use this authority.

In the contest against Soviet communism, America's international broadcasting entities were the crown jewels of U.S. soft power. Indeed, in some countries, such as Poland or Romania, Radio Free Europe functioned as the opposition press, and clearly had a greater audience and more influence than the censored government press. In the post–Cold War period, what were initially shortwave radio services have evolved into modern media outlets, with video content, podcasts, blogs, social media engagement, and other forms of information delivery. Nevertheless, the United States today needs to update the strategy and operations of its publicly supported broadcasters and—most importantly—provide them with the resources to compete with a Russian propaganda machine that is nimble, attuned to popular discontent, and generously funded.

To the independent media: The mainstream press in the United States has recently shown increased interest in reporting on Russian methods of information warfare, some of which have been embraced by far-right media outlets that seek to undermine popular support for the core institutions of American democracy. We urge more responsible media to

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continue their investigation of these techniques and experiment with ways to combat them.

We also urge more intense coverage of Beijing's efforts to undermine democratic norms in neighboring states or territories, as in Hong Kong and Taiwan, and its largely successful attempts to pressure other governments into repatriating citizens who had fled persecution in China.

Lastly, the media are not doing their job if they neglect to give aggressive coverage to the lobbyists and public-relations specialists who make money by representing dictators and kleptocrats. Those who flack for the leaders of China, Azerbaijan, Egypt, and their ilk should be made to answer for each political prisoner, murdered opposition figure, shuttered newspaper, and offshore account full of stolen funds that can be tied to their authoritarian clients.

To the academic community: We urge academic associations, individual scholars, and university administrations to stand up for freedom of thought and open inquiry at a time when those values are under relentless pressure from dictatorships. We urge statements of protest against the persecution of fellow scholars or the politicized rewriting of history, especially in countries, like Russia and China, that are integrated into the international university system. We urge universities to reject the establishment of projects and study departments—whether at home or overseas—that do not adhere to the highest standards of intellectual freedom or that restrict discussion of certain subjects.

To the business community: We urge private businesses to avoid commercial relationships with authoritarian governments that force them to violate fundamental democratic principles. Private companies and investors have a clear interest in democratic public goods like the rule of law, which guarantees their property rights, and the transparency provided by free media and corruption watchdogs, which ensures the accuracy of economic data and the fair allocation of state contracts. They should therefore do what they can to prevent any further deterioration in the condition of global democracy.

Some sectors are especially vulnerable to authoritarian pressure, and have a special role to play in combating it. We urge the film industry to reject involvement in joint ventures with companies that have close ties to authoritarian regimes and reputations for demanding politicized censorship of artistic content. We also urge the technology industry to refuse business arrangements that require active complicity in or passive acceptance of political censorship or information control.

To the European Union: We urge the EU to undertake a comprehensive review of member states' democratic institutions to determine whether recent changes have weakened checks and balances or unduly protected incumbent parties from fair electoral competition. The EU should adopt measures to publicize departures from democratic standards and develop a new set of sanctions that could be imposed on noncompliant governments—whether inside, outside, or hoping to join the bloc—even in the absence of unanimity among member states. In the meantime, the EU should use the sanctions already in place, even if it means freezing a member state's participation, and be prepared to actually impose any new sanctions that might be introduced.

To private foundations: We urge private foundations to recognize and oppose the current assault on democracy. With a few exceptions, the great institutions of American philanthropy have studiously—and shamefully—ignored the steady erosion of global freedom and the rise of authoritarian powers. The recent developments in Europe and the United States will hopefully shake their complacency. There is a strong need for analysis, support for individual dissidents, and aid for societies under authoritarian threat, and as many democratic governments waver in their commitment to such priorities, it is essential for private funders to step into the breach.

To mainstream political candidates: We urge responsible political figures to call out colleagues or rivals when they show contempt for basic democratic ideas. Until now, politicians in the democracies have been unimpressive in their responses to opponents who embrace authoritarian figures like Putin. This is despite the overwhelming evidence of egregious crimes under Putin's rule: murdered journalists and political opposition leaders, the invasion of neighboring states, brutish counterinsurgency campaigns in the North Caucasus, the emasculation of a once-vibrant media sector, rigged elections, and much more. If they choose to shower him with praise, political leaders like Marine Le Pen, Geert Wilders, and Donald Trump should be forced to account for the realities of Putin's appalling record. The same is true for any politician who praises dictators in the Middle East, Asia, or Africa.

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To human rights organizations: Human rights groups operating from the safety of democracies should be more aggressive in publicizing the plight of political prisoners. The defense of jailed dissidents was a major factor behind the rise of the modern human rights movement. Political prisoners became a lower priority as their numbers declined after the Cold War, but today there are more than a thousand in China alone, and many others in Venezuela, Iran, Azerbaijan, and elsewhere. It is past time for the phrase "prisoner of conscience" to again become an important part of our regular political vocabulary.

Furthermore, human rights organizations need to develop strategies that address the varied and sophisticated methods of repression used by modern authoritarians. There should be better efforts to identify individual perpetrators of abuse, document their culpability, and expose their actions. Among other benefits, such work would feed into governmental mechanisms for imposing sanctions, like the United States' Global Magnitsky Human Rights Accountability Act, which allows visa bans and asset freezes for foreign officials who are personally involved in egregious human rights violations.

To the free world: All democratic governments should make support for civil society in authoritarian and illiberal environments a bigger priority. This is especially urgent given that laws and regulations designed to neutralize nongovernmental organizations, which were first adopted by Russia, are now being taken up in countries like Hungary and Poland.

Democracies will also have to push back against Chinese censorship. The sheer size of China's economy gives Beijing the clout to insist on unreasonable, nonreciprocal, and often antidemocratic concessions from trading partners, the most prominent of which is the state's right to determine what its people can read, watch, or circulate via social media. The Chinese leadership expects the rest of the world to accept its brand of censorship as the normal state of affairs in China, and it is increasingly extending its demands beyond its borders, affecting the information available to global audiences.

Chinese censorship practices should be challenged at international forums and in bilateral meetings. Democratic governments should speak out when their own academics, artists, media companies, and corporations are subjected to censorship or blocking by the Chinese authorities. As long as Beijing maintains its current policies, democracies should take measures to prevent their own media, entertainment, and other information-related corporations from falling under the control of Chinese companies that support or benefit from censorship.

Finally, the free world must keep faith with states whose democratic goals are under threat from large and aggressive authoritarian powers. A prime example is Ukraine. That country represents the absolute front line in the global struggle for freedom. Building democracy in an inhospitable neighborhood is always difficult, particularly when your most powerful neighbor is determined to steal your land and wreck your home. Kyiv has made impressive strides; indeed, it has gone much further along the democratic path than it did after the Orange Revolution in 2005. But it still has hard work ahead, and it remains in serious danger. A positive outcome in Ukraine would not by itself erase the broader gains secured by the world's autocrats over the past decade, but it would be a pivotal defeat for their campaign to sow chaos and disunity among those who still live or aspire to live in freedom.

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1. "Big Data, Meet Big Brother: China Invents the Digital Totalitarian State," *Economist*, December 17, 2016, http://www.economist.com/news/briefing/21711902-worrying-implications-its-social-credit-project-china-invents-digital-totalitarian.
2. Feliz Solomon, "Vladimir Putin Just Signed Off on the Partial Decriminalization of Domestic Abuse in Russia," *Time*, February 8, 2017, http://time.com/4663532/russia-putin-decriminalize-domestic-abuse/.

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Freedom House

Freedom House is a nonprofit, nonpartisan organization that supports democratic change, monitors freedom, and advocates for democracy and human rights.

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February 7, 2018

By Email

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Laura A. Menninger
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150 East Tenth Avenue
Denver, CO 80203
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Re: *Giuffre v. Maxwell*, No. 15 Civ. 7433 (S.D.N.Y.)

Dear Counsel:

As you know, this firm represents Intervenor Alan Dershowitz in the above-referenced case.

It has recently come to our attention that plaintiff's counsel provided reporters from the *Washington Post* with submissions from a disciplinary proceeding pending before the

Florida Bar that reference information that was developed during discovery in this case. In keeping with plaintiff's enduring practice of insisting on selective confidentiality to bolster her own accusations while concealing evidence that undermines her claims, the materials provided to the *Post* include cherry-picked and misleading characterizations of evidence that is sealed and/or designated confidential under the protective order governing this action—to say nothing of the fact that it is simply false. In several instances, the materials plaintiff's counsel provided to the *Post* directly reproduce exhibits that were marked confidential in this case *by plaintiff*, and which *plaintiff filed under seal* before the district court. These disclosures violate both the spirit and the letter of the district court's orders, and appear calculated to hamstring Professor Dershowitz—who respects and will abide by the court's orders—in responding to the accusations against him.

Most notably, the materials provided to the *Washington Post* repeat the outrageous claim that [redacted] "came forward" and "corroborated" Ms. Giuffre's accusations against Dershowitz when she "testified under oath that she had been trafficked by Mr. Epstein and had had sex with Mr. Dershowitz." As plaintiff's counsel are well aware, Ms. [redacted] testimony is marked confidential and remains under seal; indeed, *plaintiff herself filed the relevant deposition transcript under seal* before the district court. *See* ECF No. 701-1. Yet the materials provided to the *Washington Post* repeat specific details from Ms. [redacted] sealed deposition, including specific sex acts she claims occurred with specific individuals. Plaintiff's counsel's selective characterization of this sealed evidence to a national newspaper is an outrageous violation of the district court's orders. *See* ECF No. 62 ¶ 4 ("CONFIDENTIAL information shall not be disclosed or used for any purpose except the preparation and trial of this case."); *see also, e.g.*, *Taylor v. Teledyne Techs., Inc.*, 338 F. Supp. 2d 1323, 1343 (N.D. Ga. 2004) (publicly summarizing and paraphrasing confidential documents violated protective order even without verbatim disclosure).

This is especially so given that the totality of this individual's testimony and other documents produced confidentially in discovery (none of which plaintiff's counsel elected to describe to reporters) demonstrate that her claims are utterly unworthy of belief.[1] Among other things, in emails sent in 2016, Ms. [redacted] claimed that she received help from "the Russians" and the hacker network Anonymous in responding to a hack of her email by the CIA; that Hillary Clinton sent "Special Agents Forces Men" to "intimidate[]" and "ruff[] (sic) . . . up" her friend in an effort to "to protect [Ms. Clinton's] presidential campaign"; that she possessed video and photographic evidence against both Ms. Clinton and Donald Trump that she would release to Wikileaks and Russian media by Sunday, October 23, 2016; that she possessed video footage of Bill Clinton, Prince Andrew, and Richard Branson having sex with her friend which was backed up on "several USB sticks" that she had "securely sent . . . to various different locations throughout Europe"; and that another friend had—while the two "were showering together"—showed her physical evidence that "Donald Trump liked flicking and sucking her nipples until

[1] As you know, on June 21, 2017, we, on behalf of Professor Dershowitz ,wrote to Judge Sweet asking that, in the event that Ms. [redacted] deposition were unsealed (or its designation as "confidential" by the parties withdrawn), the Court permit public disclosure of her emails.

they were raw." Notably, in these emails, Ms. [redacted] mentions Professor Dershowitz, but she does not allege that she was trafficked to or had sex with him.

As you know, Ms. [redacted] provided this information, on the record, to a New York *Post* journalist with the expressed hope that it would be published. Although these allegations, if credible, would have been the story of a lifetime — videos and eye witness accounts of sexual misconduct by two presidential candidates, a former president, and one of the world's leading entrepreneurs— the New York *Post* declined to publish them, presumably, and not surprisingly, because it did not find Ms. [redacted] credible. Nonetheless, thereafter, Ms. [redacted], represented by the same lawyers who represent the plaintiff in the above-captioned case, was permitted to testify that Professor Dershowitz had sex with her. These same lawyers have now provided documents to the Washington *Post* repeating the false charges, but have failed to provide the *Post* with the emails that fatally undermine them. These selective disclosures, and this use of the court's protective and sealing orders "as a sword," are manifestly improper.

Professor Dershowitz intends to pursue all available remedies for violations of the district court's orders, including sanctions. That said, to remedy the gross imbalance in available information created by counsel's improper disclosures, we ask that the parties' counsel immediately agree to a stipulation, to be so-ordered by Judge Sweet, unsealing and removing the confidentiality designations from Ms. [redacted]'s emails. This will allow for *full* public disclosure of these matters—where their falsity, exposed to the "sunlight" of public review, will be manifest—and it will permit Professor Dershowitz to respond fully to the accusations plaintiff's counsel leaked to the *Washington Post*. Only with such full disclosure can the public decide who is telling the truth.

Please let us know your response to this request by noon on February 9, 2018.

Very truly yours,

Andrew G. Celli, Jr.

WE Talks

Women Empowerment: Women to Women Talks

Our mission is to support and enhance women's professional and personal growth and fulfillment.

We are deeply committed to providing achievement-driven women with inspiration, guidance, and elevating networking opportunities networking.

We organize and conduct seminars with female speakers who are leaders in their industry.

Our seminal approach can me likened to "TED Talks for Women." The speaker shares the secrets of her professional and personal success with the audience and answers the questions. The discussions will include, but won't be limited to the

following topics: How to pursue a career of your dream? What makes you feel empowered? How to build one of a kind brand? How to achieve both self-realization in professional life and fulfillment personal life?

Our first seminar is going to take place in NYC on April 5th. Consequently, we will be conducting one seminar every month.

Kathy Ruemmler is going to be the first speaker.

Kathy is an attorney who formerly served as White House Counsel to President Barack Obama. She previously worked as Principal Deputy White House Counsel.

Kathryn Ruemmler is global co-chair of the white-collar defense and investigations practice at Latham & Watkins. She rejoined the firm after five years in the Obama administration, first in the Department of Justice and then as President Obama's chief lawyer, when she headed a team of around 45 lawyers and staff in the White House Counsel's office. Obama has said she has “an uncanny ability to see around the corners that no one else anticipates.” Earlier in her career, Ruemmler was a federal prosecutor who helped secure the convictions of former Enron executives Kenneth Lay and Jeff Skilling.

HOUSE_OVERSIGHT_019301

From: Steve Bannon [redacted]
Sent: 7/22/2018 11:27:26 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Fw:

Importance: High

Sent via BlackBerry by AT&T

From: Benjamin Harnwell <[redacted]>
Date: Sun, 22 Jul 2018 22:01:54 +0200
To: Steve Bannon<[redacted]>
Subject: Re:

Bannon the European: He's opening the populist fort in Brussels

The former Trump strategist arrives in Europe with "The Movement". Objective: an alliance between right-wing leaders, from Salvini to Orbán in view of the 2019 elections

NEW YORK. The invasion of Europe has begun. Steve Bannon, 65, the American far-right guru who was Donald Trump's right-hand man in the White House — but let go last summer following the racist violence in Charlottesville — is preparing to march on Brussels. Launching, he told the Daily Beast himself, a new non-profit foundation called The Movement, (Il Movimento), right in the heart of Europe and its institutions. Through which he hopes to coordinate the populist right in view of the European elections which will be held in spring 2019.

Objective: to compete with George Soros, the American billionaire of Hungarian origin, benefactor of the Democratic party, who since 1984 with his Open Society has spent at least $32 billion in support of NGOs dealing with human rights. And for this he became the bogeyman of the populist right, accused of plots of all kinds: including that of wanting to replace Italians with immigrants in order to have labour at low cost. A mantra repeated in the past on Twitter also by the current Minister of the Interior Matteo Salvini.

The ambition of Steve Bannon, former director of the alt-right American site Breitbart — which in the European campaign preceded him since the platform had already opened bureaux in London and Rome — is therefore to become the coordinator of the one great "populist international" of which he has long since been dreaming.

The Movement, in fact, intends to function as an extreme right-wing think tank: a source of strategic advice to channel the not-so-politically structured discontent of the most extreme European movements. Analysing data and giving strategic advice. But also by raising funds and channeling funding.

The aim is to create a populist alliance, a sort of "super group" that if victorious can conquer up to a third of the European Parliament in the elections next May.

Indeed — putting the common policy of the Old Continent in the hands of Bannon and his own. The American strategist is very attached to the Freedom Caucus — the extreme right of the US Congress — and in 2014 he was at the top of the Cambridge Analytica company, which in 2016 used data stolen from Facebook to try to influence the presidential election from which Donald Trump emerged victor. It is not a mystery that for a long time he courts nationalists of the right from East to West. And he has already

met, among others, the Hungarian Orbán, the French Marine Le Pen and the former leader of the British separatists Nigel Farage. The latter reappeared, coincidentally, on Friday in Pennsylvania, USA, to a fundraiser in favor of the Republican congressman Lou Barletta. Without forgetting the Italians of Lega and 5 stars. Of them, he said: "If it works in Italy, we can import the model anywhere".

The Movement, which for now will count on a staff of 10 people, will be fully operational in 2019. In short, after the American midterm elections, where Bannon is fighting to influence the primaries supporting candidates potentially able to undermine the prospects of Republican establishment. But in the future the former spin doctor says he wants to spend more and more time in Europe. Also because the relationships with Trump have worsened after the revelations he made to Michael Wolff and published in the scandal book "Fire and Fury". "Better to reign in Hell than to serve in Paradise," Bannon says now paraphrasing the Satan of one of his favorite books, John Milton's Lost Paradise. Hell in this case would be the dear old Europe and its democratic values. The "army of darkness" is already among us.

In Sacratissimo Corde Iesu et Purissimo Corde Mariae et Castissimo Corde Ioseph.

****

Benjamin Harnwell
Founder and President of the Board of Trustees
Dignitatis Humanae Institute

[redacted]

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Roma 00165
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@ben_harnwell
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Il giorno 22 lug 2018, alle ore 15:38, Steve Bannon <[redacted]> ha scritto:

What does this say???

Begin forwarded message:

From: Maria Luisa <[redacted]>
Date: July 22, 2018 at 9:11:58 AM EDT
To: Steve Bannon <[redacted]>, Preate Alexandra <[redacted]>

<PHOTO-2018-07-22-10-02-17.jpg>

Sent from my iPhone

From: Steve Bannon [redacted]
Sent: 7/22/2018 11:58:18 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Re: Fw:

Importance: High

Abandon Hope, All Ye Who Enter
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 01:51:58 +0200
To: <[redacted]>
Subject: Re: Fw:

9th circle

On Mon, Jul 23, 2018 at 1:26 AM Steve Bannon <[redacted]> wrote:
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Founder and President of the Board of Trustees
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Sent from my iPhone

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From: Steve Bannon [[redacted]]
Sent: 7/23/2018 12:18:57 AM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Re: Fw:

Importance: High

Well played sir
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 01:58:06 +0200
To: <[redacted]>
Subject: Re: Fw:

Hicks?

On Mon, Jul 23, 2018 at 1:57 AM Steve Bannon <[redacted]> wrote:
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Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 01:51:58 +0200
To: <[redacted]>
Subject: Re: Fw:

9th circle

On Mon, Jul 23, 2018 at 1:26 AM Steve Bannon <[redacted]> wrote:
Sent via BlackBerry by AT&T

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Date: Sun, 22 Jul 2018 22:01:54 +0200
To: Steve Bannon<[redacted]>
Subject: Re:

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Il giorno 22 lug 2018, alle ore 15:38, Steve Bannon [redacted] ha scritto:

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Date: July 22, 2018 at 9:11:58 AM EDT
To: Steve Bannon <[redacted]>, Preate Alexandra [redacted]>

<PHOTO-2018-07-22-10-02-17.jpg>

Sent from my iPhone

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From: Steve Bannon[redacted]]
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Importance: High

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Subject: Re: Fw:

Importance: High

Agree 100%

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Sent: 7/23/2018 1:50:16 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Re: Fw:

Importance: High

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We can talk about at your convenience

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From: jeffrey E. [jeevacation@gmail.com]
Sent: 12/19/2016 10:39:57 AM
To: Lisa New [redacted]
Subject: Re: Thank You from Lisa and Poetry in America

barnaby is no longer there. He is at Institue for Advanced Studies. .. That being said, let me ask him if he can shepard you through Templeton

On Sun, Dec 18, 2016 at 11:36 PM, Lisa New <[redacted]> wrote:

Dear
Jeffrey
(*and please see note at bottom*),

This end-of-the-year letter is to catch you up on developments and to report progress made in 2016 by *Poetry in America,* by its associated non-profit production company, Verse Video Education, and by (and with) our new Harvard partner, the Derek Bok Center for Teaching and Learning. Whether you are a longstanding adviser and supporter of *Poetry in America*, or you've more recently joined our circle of proponents, your contributions, thought partnership and enthusiasm have made this year's successes possible.

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Harvard University
148 Barker Center
12 Quincy Street
Cambridge, MA
O2138
[redacted]

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from barnaby -
she could apply, but she should know that there are only a few grants in each round; most projects proposed don't get funding. It is like rolling the dice. what people don't understand is that many grants are not funded not because they are defective in any way, but simply because there is not enough funding to cover even a part of what comes in (there are thousands of applications and hundreds of millions of dollars of requests that go all through different kinds of review; it is hard to know what will make it through because different people make the priority decisions at different stages of review; and it depends what other applications are in the pool in a given cycle). There is no "direct" route anymore.

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From: jeffrey E. [jeevacation@gmail.com]
Sent: 7/23/2018 12:03:28 AM
To: [redacted]
Subject: Re: Fw:

Importance: High

Europe can be a wife not a mistress

On Mon, Jul 23, 2018 at 2:02 AM jeffrey E. <jeevacation@gmail.com> wrote:
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Hicks?

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Abandon Hope, All Ye Who Enter
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 01:51:58 +0200
To: [redacted]>
Subject: Re: Fw:

9th circle

On Mon, Jul 23, 2018 at 1:26 AM Steve Bannon <[redacted] wrote:
Sent via BlackBerry by AT&T

From: Benjamin Harnwell <[redacted]n>
Date: Sun, 22 Jul 2018 22:01:54 +0200
To: Steve Bannon<[redacted]>
Subject: Re:

Bannon the European: He's opening the populist fort in Brussels

The former Trump strategist arrives in Europe with "The Movement". Objective: an alliance between right-wing leaders, from Salvini to Orbán in view of the 2019 elections

NEW YORK. The invasion of Europe has begun. Steve Bannon, 65, the American far-right guru who was Donald Trump's right-hand man in the White House — but let go last summer following the racist violence in Charlottesville — is preparing to march on Brussels. Launching, he told the Daily Beast himself, a new non-profit foundation called The Movement, (Il Movimento), right in the heart of Europe and its institutions. Through which he hopes to coordinate the populist right in view of the European elections which will be held in spring 2019.

Objective: to compete with George Soros, the American billionaire of Hungarian origin, benefactor of the Democratic party, who since 1984 with his Open Society has spent at least $32 billion in support of NGOs dealing with human rights. And for this he became the bogeyman of the populist right,

accused of plots of all kinds: including that of wanting to replace Italians with immigrants in order to have labour at low cost. A mantra repeated in the past on Twitter also by the current Minister of the Interior Matteo Salvini.

The ambition of Steve Bannon, former director of the alt-right American site Breitbart — which in the European campaign preceded him since the platform had already opened bureaux in London and Rome — is therefore to become the coordinator of the one great "populist international" of which he has long since been dreaming.

The Movement, in fact, intends to function as an extreme right-wing think tank: a source of strategic advice to channel the not-so-politically structured discontent of the most extreme European movements. Analysing data and giving strategic advice. But also by raising funds and channeling funding.

The aim is to create a populist alliance, a sort of "super group" that if victorious can conquer up to a third of the European Parliament in the elections next May.

Indeed — putting the common policy of the Old Continent in the hands of Bannon and his own. The American strategist is very attached to the Freedom Caucus — the extreme right of the US Congress — and in 2014 he was at the top of the Cambridge Analytica company, which in 2016 used data stolen from Facebook to try to influence the presidential election from which Donald Trump emerged victor. It is not a mystery that for a long time he courts nationalists of the right from East to West. And he has already met, among others, the Hungarian Orbán, the French Marine Le Pen and the former leader of the British separatists Nigel Farage. The latter reappeared, coincidentally, on Friday in Pennsylvania, USA, to a fundraiser in favor of the Republican congressman Lou Barletta. Without forgetting the Italians of Lega and 5 stars. Of them, he said: "If it works in Italy, we can import the model anywhere".

The Movement, which for now will count on a staff of 10 people, will be fully operational in 2019. In short, after the American midterm elections, where Bannon is fighting to influence the primaries supporting candidates potentially able to undermine the prospects of Republican establishment. But in the future the former spin doctor says he wants to spend more and more time in Europe. Also because the relationships with Trump have worsened after the revelations he made to Michael Wolff and published in the scandal book "Fire and Fury". "Better to reign in Hell than to serve in Paradise," Bannon says now paraphrasing the Satan of one of his favorite books, John Milton's Lost Paradise. Hell in this case would be the dear old Europe and its democratic values. The "army of darkness" is already among us.

In Sacratissimo Corde Iesu et Purissimo Corde Mariae et Castissimo Corde Ioseph.

****

Benjamin Harnwell
Founder and President of the Board of Trustees
Dignitatis Humanae Institute

Cell: [redacted]
Office: [redacted]

Istituto Dignitatis Humanae

44 Via delle Fornaci
Roma 00165
ITALY

@ben_harnwell
www.dignitatishumanae.com

Il giorno 22 lug 2018, alle ore 15:38, Steve Bannon <[redacted]> ha scritto:

What does this say???

Begin forwarded message:

From: Maria Luisa <[redacted]n>
Date: July 22, 2018 at 9:11:58 AM EDT
To: Steve Bannon <[redacted]>, Preate Alexandra <[redacted]n>

<PHOTO-2018-07-22-10-02-17.jpg>

Sent from my iPhone

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From: jeffrey E. [jeevacation@gmail.com]
Sent: 7/23/2018 1:58:04 PM
To: Steve Bannon [redacted]
Subject: Re: Fw:

011-331-441-70210. In 2 hrs

On Mon, Jul 23, 2018 at 3:50 PM Steve Bannon <[redacted]> wrote:
#

On Jul 23, 2018, at 9:49 AM, jeffrey E. <jeevacation@gmail.com> wrote:

We can talk about at your convenience

On Mon, Jul 23, 2018 at 1:07 PM Steve Bannon <[redacted]> wrote:
Agree 100%

How do I do that???

American Carnage amazing -- Ari Emmanual financed it and he loves it---Erolls besties tell him it will end his career because he gave a platform to a monster

Officially in Venice , Toronto and New York Film Festival

Skipping telluride

On Jul 23, 2018, at 6:57 AM, jeffrey E. <jeevacation@gmail.com> wrote:

its doable , but time consuming, there are many leaders of countries we can organize for you to have one on ones. however . you will have to come , stay 8 -10 days. , then no more than two weeks later. the same. The fear is that you gin up their hopes and emotions and then abandon them. I think you want to be an insider, not an outsider flying in and out. did you get the first cut of american carnage? .?

On Mon, Jul 23, 2018 at 2:19 AM, Steve Bannon <[redacted]> wrote:
Yes
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 02:02:16 +0200
To: <[redacted]>
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In Sacratissimo Corde Iesu et Purissimo Corde Mariae et Castissimo Corde Ioseph.

****

Benjamin Harnwell
Founder and President of the Board of Trustees
Dignitatis Humanae Institute

Cell: [redacted]
Office: [redacted]

Istituto Dignitatis Humanae
44 Via delle Fornaci
Roma 00165
ITALY

@ben_harnwell
www.dignitatishumanae.com

Il giorno 22 lug 2018, alle ore 15:38, Steve Bannon <[redacted]> ha scritto:

What does this say???

Begin forwarded message:

From: Maria Luisa <[redacted]>
Date: July 22, 2018 at 9:11:58 AM EDT
To: Steve Bannon <[redacted]>, Preate Alexandra <[redacted]>

<PHOTO-2018-07-22-10-02-17.jpg>

Sent from my iPhone

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From: jeffrey E. [jeevacation@gmail.com]
Sent: 7/23/2018 3:32:23 PM
To: Steve Bannon [redacted]
Subject: Re: Fw:

available now?

On Mon, Jul 23, 2018 at 3:50 PM, Steve Bannon <[redacted]> wrote:
#

On Jul 23, 2018, at 9:49 AM, jeffrey E. <jeevacation@gmail.com> wrote:

We can talk about at your convenience

On Mon, Jul 23, 2018 at 1:07 PM Steve Bannon <[redacted]> wrote:
Agree 100%

How do I do that???

American Carnage amazing -- Ari Emmanual financed it and he loves it---Erolls besties tell him it will end his career because he gave a platform to a monster

Officially in Venice , Toronto and New York Film Festival

Skipping telluride

On Jul 23, 2018, at 6:57 AM, jeffrey E. <jeevacation@gmail.com> wrote:

its doable , but time consuming, there are many leaders of countries we can organize for you to have one on ones. however . you will have to come , stay 8 -10 days. , then no more than two weeks later. the same. The fear is that you gin up their hopes and emotions and then abandon them. I think you want to be an insider, not an outsider flying in and out. did you get the first cut of american carnage? .?

On Mon, Jul 23, 2018 at 2:19 AM, Steve Bannon <[redacted]> wrote:
Yes
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 02:02:16 +0200
To: <[redacted]>
Subject: Re: Fw:

If you are going to play here , you'll have to spend time , europe by remote doesn't work . Lots and lots of face time and hand holding

On Mon, Jul 23, 2018 at 1:58 AM jeffrey E. <jeevacation@gmail.com> wrote:
Hicks?

On Mon, Jul 23, 2018 at 1:57 AM Steve Bannon <[redacted]> wrote:
Abandon Hope, All Ye Who Enter
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 01:51:58 +0200
To: <[redacted]>
Subject: Re: Fw:

9th circle

On Mon, Jul 23, 2018 at 1:26 AM Steve Bannon <[redacted]> wrote:
Sent via BlackBerry by AT&T

From: Benjamin Harnwell <[redacted]>
Date: Sun, 22 Jul 2018 22:01:54 +0200
To: Steve Bannon<[redacted]>
Subject: Re:

Bannon the European: He's opening the populist fort in Brussels

The former Trump strategist arrives in Europe with "The Movement". Objective: an alliance between right-wing leaders, from Salvini to Orbán in view of the 2019 elections

NEW YORK. The invasion of Europe has begun. Steve Bannon, 65, the American far-right guru who was Donald Trump's right-hand man in the White House — but let go last summer following the racist violence in Charlottesville — is preparing to march on Brussels. Launching, he told the Daily Beast himself, a new non-profit foundation called The Movement, (Il Movimento), right in the heart of Europe and its institutions. Through which he hopes to coordinate the populist right in view of the European elections which will be held in spring 2019.

Objective: to compete with George Soros, the American billionaire of Hungarian origin, benefactor of the Democratic party, who since 1984 with his Open Society has spent at least $32 billion in support of NGOs dealing with human rights. And for this he became the bogeyman of the populist right, accused of plots of all kinds: including that of wanting to replace Italians with immigrants in order to have labour at low cost. A mantra repeated in the past on Twitter also by the current Minister of the Interior Matteo Salvini.

The ambition of Steve Bannon, former director of the alt-right American site Breitbart — which in the European campaign preceded him since the platform had already opened bureaux in London and Rome — is therefore to become the coordinator of the one great "populist international" of which he has long since been dreaming.

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From: jeffrey E. [jeevacation@gmail.com]
Sent: 7/23/2018 3:58:02 PM
To: Steve Bannon [redacted]
Subject: Re: Fw:

reacall , I am unaware of your playbook. however , whatever is good for you -- Im in. . I think meeting , the leaders of europe BEFORE he possible implodes is only good for many reasons. frankly , after you meet , you could explain what happened; they will all want advice. . ALL

On Mon, Jul 23, 2018 at 2:18 AM, Steve Bannon <[redacted]> wrote:
Well played sir
Sent via BlackBerry by AT&T

From: "jeffrey E." <jeevacation@gmail.com>
Date: Mon, 23 Jul 2018 01:58:06 +0200
To: <[redacted]>
Subject: Re: Fw:

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Page 62 ~ b3 - 1; b6 - 1, -3, -4, -5; b7C - 1, -3, -4, -5; b7D - 1;
Page 63 ~ b3 - 1; b6 - 1, -3, -4; b7C - 1, -3, -4; b7D - 1, -2;
Page 64 ~ b3 - 1; b6 - 1, -3, -4; b7C - 1, -3, -4; b7D - 2;
Page 73 ~ b3 - 1; b6 - 2, -3; b7C - 2, -3; b7E - 3;
Page 74 ~ b3 - 1; b6 - 3, -5; b7C - 3, -5;
Page 75 ~ b3 - 1; b6 - 5; b7C - 5;
Page 76 ~ b3 - 1; b6 - 2, -3; b7C - 2, -3;
Page 77 ~ b3 - 1; b6 - 3, -5; b7C - 3, -5;
Page 88 ~ b3 - 1; b6 - 3; b7C - 3;
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Page 90 ~ b6 - 2; b7C - 2;
Page 91 ~ b3 - 1; b6 - 3; b7C - 3;
Page 92 ~ b6 - 2; b7C - 2;
Page 93 ~ b3 - 1; b6 - 3; b7C - 3;
Page 94 ~ b6 - 2; b7C - 2;
Page 95 ~ b6 - 2; b7C - 2;
Page 100 ~ b6 - 1, -2; b7C - 1, -2; b7D - 2; b7E - 1, -2;
Page 107 ~ b3 - 1; b6 - 3, -5; b7C - 3, -5;
Page 109 ~ b3 - 1; b6 - 3; b7C - 3;
Page 112 ~ b3 - 1; b6 - 3; b7C - 3;
Page 114 ~ b3 - 1; b6 - 3; b7C - 3;
Page 118 ~ b3 - 2; b6 - 2, -6; b7C - 2, -6;
Page 119 ~ b3 - 2;
Page 120 ~ b3 - 2;
Page 124 ~ b3 - 1; b6 - 1, -2, -3; b7C - 1, -2, -3; b7D - 1;
Page 125 ~ b3 - 1; b6 - 1, -3; b7C - 1, -3; b7D - 1;
Page 126 ~ b3 - 1; b6 - 1, -3; b7C - 1, -3; b7D - 1;
Page 129 ~ b3 - 1; b6 - 1, -2, -3; b7C - 1, -2, -3; b7D - 1;
Page 130 ~ b3 - 1; b6 - 1, -3; b7C - 1, -3; b7D - 1;
Page 133 ~ b3 - 1; b6 - 1, -2, -3, -4, -5; b7C - 1, -2, -3, -4, -5; b7D -
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Page 173 ~ b3 - 1; b6 - 1, -3, -4, -5, -7; b7C - 1, -3, -4, -5, -7; b7D - 1, -2;
Page 174 ~ b3 - 1; b6 - 1, -3, -4, -5, -7; b7C - 1, -3, -4, -5, -7; b7D - 1, -2;
Page 175 ~ b3 - 1; b6 - 1, -3, -4, -5; b7C - 1, -3, -4, -5; b7D - 2;
Page 176 ~ b6 - 1, -4; b7C - 1, -4;
Page 177 ~ b3 - 1; b6 - 1, -3, -4, -7; b7C - 1, -3, -4, -7; b7D - 2;
Page 178 ~ b3 - 1; b6 - 1, -3, -4, -7; b7C - 1, -3, -4, -7; b7D - 1, -2;
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Page 186 ~ b6 - 1, -4, -5, -7; b7C - 1, -4, -5, -7;
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Page 239 ~ b3 - 1; b6 - 1, -3, -4, -5, -7; b7C - 1, -3, -4, -5, -7; b7D - 2;
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(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 07/24/2006

To: Miami **Attn:** SSA [redacted]

From: Miami
Squad PB-2, PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted] nk

Case ID #: 31E-MM [redacted]

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

OPEN (REOPEN)
CLASS 31 ALPHA E
ORIGIN MM DATE 2/24/06

b3 -1
b6 -1, -2
b7A -1
b7C -1, -2

Synopsis: To request case be opened and assigned. SA [redacted]

Details: From March 2005 through February 2006, the Palm Beach County Police Department conducted an investigation involving the Subjects, Jeffrey Epstein, DOB [redacted] DOB [redacted] DOB [redacted]
[redacted]
[redacted] Epstein [redacted] Epstein's
[redacted]

b3 -1
b6 -1, -3
b7C -1, -3

[redacted]

b3 -1
b6 -1, -3
b7C -1, -3

203ENK01.EC

2
31E-MM-108062-1

03956-17

To: Miami From: Miami
Re: 31E-MM, 07/24/2006

[redacted] b3 -1
b6 -1, -3
b7C -1, -3

It is requested by SA [redacted] that the above captioned case be opened and assigned. b6 -2
b7C -2

♦♦

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI# FLO 500600

Police Case#: 05-368 (1)

Defendant: Jeffrey Epstein
Race/Sex: White Male
DOB:
Charges:

b6 -1
b7C -1

From March 15, 2005, through February 2006, the Palm Beach Police Department conducted a sexual battery investigation involving Jeffrey Epstein, Palm Beach.

b3 -1
b6 -1, -3
b7C -1, -3

The facts, as reported, are as follows:

b3 -1
b6 -1, -3
b7C -1, -3
b7D -1

b3 -1
b6 -1, -3
b7C -1, -3
b7D -1

The foregoing instrument was sworn to or affirmed before me this 1st day of May, 2006 by Det who is personally known to me.

b6 -4
b7C -4

State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

3/E-MM-108062-1 03056-19

HOUSE_OVERSIGHT_019360

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI# FLO 500600

b3 -1
b6 -1, -3
b7C -1, -3

[redacted]

On November 21, 2005 I interviewed [redacted] stated he was [redacted]

b3 -1
b6 -1, -3, -5
b7C -1, -3, -5
b7D -1

On January 4, 2006 I interviewed another former houseman, Mr Alfredo Rodriguez. During a sworn taped statement, Mr. Rodriguez stated he was employed by Jeffrey Epstein for approximately six months, from November 2004 through May of 2005. His responsibilities as house manager included being the butler, chauffeur, chef, houseman, run errands for Epstein and provide for Epstein's guests. I asked Rodriguez about [redacted]

b3 -1
b6 -1, -3
b7C -1, -3
b7D -1

The foregoing instrument was sworn to or affirmed before me this 1st day of May, 2006 by Det [redacted] who is personally known to me.

b6 -4
b7C -4

State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI# FLO 500600

b3 -1
b6 -1, -3
b7C -1, -3
b7D -1

[redacted]

[redacted]

b3 -1
b6 -1, -3
b7C -1, -3
b7D -1

[redacted]

b3 -1
b6 -1, -3
b7C -1, -3
b7D -2
b7E -1

[redacted]

b6 -1
b7C -1
b7D -2
b7E -1

Therefore, as Jeffrey Epstein, who at the time of these incidents was [redacted]

[redacted]

b3 -1
b6 -1, -3
b7C -1, -3

The foregoing instrument was sworn to or affirmed before me this 1st day of May, 2006 by Det [redacted] who is personally known to me.

b6 -4
b7C -4

State of Florida
County of Palm Beach

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: 05/01/2006

Mystery money man faces soliciting charge

By NICOLE JANOK
Palm Beach Post Staff Writer

A part-time Palm Beacher who has socialized with Donald Trump, Bill Clinton and Kevin Spacey was jailed early Sunday with accused drug dealers, drunken drivers and wife beaters after he was charged with soliciting a prostitute.

Manhattan money manager Jeffrey Epstein, 53, was picked up at his home on El Brillo Way at 1:45 a.m. He was released hours later on $3,000 bond.

Epstein was indicted last week by a state grand jury, according to state attorney's spokesman Mike Edmondson. Despite Epstein's arrest, the indictment containing the allegations remained sealed Sunday and Edmondson provided no details.

Unlike most accused johns, Epstein was charged with a third-degree felony instead of a misdemeanor. Under state law, a solicitation charge usually is elevated to a more-serious felony when the defendant has at least two solicitation convictions.

However, checks of court records here and in New York Sunday turned up no such convictions.

Epstein could not be reached. Edmondson said he was being represented by West Palm Beach attorney Jack Goldberg, who declined comment.

Epstein is the president of J Epstein & Co., a money management company based in Manhattan that caters to ultra-wealthy clientele, according to pub-

See SOLICITING, 6B ▶

Jeffrey Epstein
Indictment related to prostitution.

'Mysterious billionaire' has been on probation

▶ SOLICITING *from 1B*

lished reports. National magazines have described him as a "mysterious billionaire" who lives in a 45,000-square-foot New York City mansion.

He has been in trouble before. In 1993, he and two other defendants were charged in federal court with three counts of postal larceny and theft and one count of property theft. Epstein plead guilty to a single charge of conspiring to steal U.S. Treasury checks from residential mailboxes and received 5 years' probation. The remaining charges were dropped.

Since then, Epstein's name has turned up in New York City's tabloids. *The New York Post* noted he flew President Clinton and Kevin Spacey to Africa on his private Boeing 727. In 2003, the paper dubbed him one of the Big Apple's "top studs."

In 2004, Epstein bid against Trump for a 43,000-square foot Palm Beach estate once owned by healthcare magnate Abe Gosman. Trump topped Epstein with a $41.35 million bid.

Staff Researcher Angelica Cortez contributed to this story.

@ nicole_janok@pbpost.com

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)
13, 6B / The Palm Beach Post
West Palm Beach, FL
Date: 07/24/2005
Edition:

Title: Mystery money man faces soliciting charge

Character:
or
Classification: 31E-MM-108062
Submitting Office: MM

Indexing:

03956-63

31E-MM-108062-4

HOUSE_OVERSIGHT_019363

Indictment: Billionaire solicited 3 times

Palm Beach police will report today about their prostitution probe of the money manager.

By LARRY KELLER
Palm Beach Post Staff Writer

Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution.

Epstein, 53, was booked at the Palm Beach County jail at 1:45 a.m. Sunday. He was released on $3,000 bond.

Epstein's case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information — an alternative to an indictment charging a person with the commission of a crime.

His attorney, Jack Goldberger, declined to discuss the charge.

State attorney's office spokesman Mike Edmondson also had little to say.

"Generally speaking, there is a case that has a number of different aspects to it," Edmondson said of a prostitution-related charge being submitted to a grand jury. "We first became aware of the case months ago by Palm Beach police."

Prosecutors and police worked together to bring the case to the grand jury, he said.

Palm Beach police confirmed that and said the department will release a report today regarding its investigation.

Epstein has owned a five-bedroom, 7½-bath, 7,234-square-foot home with a pool and a boat dock on the Intracoastal Waterway since 1990, according to property records. A man answering the door there Monday said that Epstein wasn't home. A Cadillac Escalade registered to him was parked in the driveway, which is flanked by two massive gargoyles.

Epstein

Epstein sued Property Appraiser Gary Nikolits in 2001, contending that the assessment of his home exceeded its fair market value. He dismissed his lawsuit in December 2002.

A profile of Epstein in *Vanity Fair* magazine said he owns what are believed to be the largest private homes in Manhattan — 51,000 square feet — and in New Mexico — a 7,500-acre ranch. Those are in addition to his 70-acre island in the U.S. Virgin Islands and fleet of aircraft.

Epstein's friends and admirers, according to the magazine, include prominent businessmen, academics and scientists and famed Harvard law professor Alan Dershowitz.

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FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)
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West Palm Beach, FL

Date: 07/25/2006
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Title: Indictment: Billionaire solicited 3 times

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Indexing:

After long probe, billionaire faces solicitation charge

By LARRY KELLER
Palm Beach Post Staff Writer

Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department.

Epstein

Palm Beach police spent months sifting through Epstein's trash and watching his waterfront home and Palm Beach International Airport to keep tabs on his private jet. An indictment charging Epstein, 53, was unsealed Monday, charging him with one count of felony solicitation of prostitution.

Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.

Police Chief Michael Reiter was so angry with State Attorney Barry Krischer's handling of the case that he wrote a memo

See EPSTEIN, 5B ▶

03956-65

31E-MM-108062-6

Police kept watch on home, airport, sifted through trash

▶ EPSTEIN *from 1B*

suggesting the county's top prosecutor disqualify himself.

"I must urge you to examine the unusual course that your office's handling of this matter has taken and consider good and sufficient reason exists to require your disqualification from the prosecution of these cases," Reiter wrote in a May 1 memo to Krischer.

While not commenting specifically on the Epstein case, Mike Edmondson, spokesman for the state attorney, said his office presents cases other than murders to a grand jury when there are questions about witnesses' credibility and their ability to testify.

By the nature of their jobs, police officers look at evidence from a "one-sided perspective," Edmondson said. "A prosecutor has to look at it in a much broader fashion," weighing the veracity of witnesses and how they may fare under defense attorneys' questioning, he said.

Epstein's attorney, Jack Goldberger, said his client committed no crimes.

"The reports and statements in question refer to false accusations that were not charged because the Palm Beach County state attorney questioned the credibility of the witnesses," Goldberger said. A county grand jury "found the allegations wholly unsubstantiated and not credible," and that's why his client was not charged with sexual activity with minors, he said.

Goldberger said Epstein passed a lie detector test administered by a reputable polygraph examiner in which he said he did not know the girls were minors. Also, a search warrant served on Epstein's home found no evidence to corroborate the girls' allegations, Goldberger said.

According to police documents:

■ A Palm Beach Community College student said she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.

■ A 27-year-old woman who worked as Epstein's personal assistant also facilitated the liaisons, phoning the PBCC student to arrange for girls when Epstein was coming to town. And she escorted the girls upstairs when they arrived, putting fresh sheets on a massage table and placing massage oils nearby.

■ Police took sworn statements from five alleged victims and 17 witnesses. They contend that on three occasions, Epstein had sex with the girls.

The chief's letter

See the letter Palm Beach Police Chief Michael Reiter wrote to State Attorney Barry Krischer on the Epstein case.

PalmBeachPost.com

A money manager for the ultra-rich, Epstein was named one of New York's most eligible bachelors in 2003 by *The New York Post*. He reportedly hobnobs with the likes of former President Clinton, former Harvard University President Lawrence Summers and Donald Trump, and has lavish homes in Manhattan, New Mexico and the Virgin Islands.

He has contributed tens of thousands of dollars to Democratic Party candidates and organizations, including Sen. John Kerry's presidential bid, and the Senate campaigns of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

Goldberger is one of five attorneys Epstein has retained since he became the subject of an investigation, Edmondson said. Among the others: Alan Dershowitz, the well-known Harvard law professor and author, who is a friend of Epstein. Dershowitz could not be reached for comment.

Police said the woman who enlisted young girls for Epstein was Haley Robson, 20, of Royal Palm Beach. Robson has worked at an Olive Garden restaurant in Wellington and said she was a journalism major at Palm Beach Community College when she was questioned by police last October. She has an unlisted phone number and could not be reached for comment.

Robson said she met Epstein when, at age 17, a friend asked her if she would like to make money giving him a massage. She said she was driven to his five-bedroom, 7½-bath home on the Intracoastal Waterway, then escorted upstairs to a bedroom with a massage table and oils. Epstein and Robson were both naked during the massage, she said, but when he grabbed her buttocks, she said she didn't want to be touched.

Epstein said he'd pay her to bring him more girls — the younger the better, Robson told police. When she tried once to bring a 23-year-old woman to him, Epstein said she was too old, Robson said.

Robson, who has not been charged in the case, said she eventually brought six girls to Epstein who were paid $200 each time, Robson said. "I'm like a Heidi Fleiss," police quoted her as saying. The girls knew what to expect when they were taken to Epstein's home, Robson said. Give a massage — maybe naked — and allow some touching.

One 14-year-old girl Robson took to meet Epstein led police to start the investigation of him in March 2005. A relative of the girl called to say she thought the child had recently engaged in sex with a Palm Beach man. The girl then got into a fight with a classmate who accused her of being a prostitute, and she couldn't explain why she had $300 in her purse.

The girl gave police this account of her meeting with Epstein:

She accompanied Robson and a second girl to Epstein's house on a Sunday in February 2005. Once there, a woman she thought was Epstein's assistant told the girl to follow her upstairs to a room featuring a mural of a naked woman, several photographs of naked women on a shelf, a hot pink and green sofa and a massage table.

She stripped to her bra and panties and gave him a massage.

Epstein gave the 14-year-old $300 and she and the other girls left, she said. She said Robson told her that Epstein paid her $200 that day.

Other girls told similar stories. In most accounts, Epstein's personal assistant at the time, Sarah Kellen, now 27, escorted the girls to Epstein's bedroom.

Kellen, whose most recent known address is in North Carolina, has not been charged in the case.

Palm Beach police often conducted surveillance of Epstein's home, and at Palm Beach International Airport to see if his private jet was there, so they would know when he was in town. Police also arranged repeatedly to receive his trash from Palm Beach sanitation workers, collecting papers with names and phone numbers, sex toys and female hygiene products.

One note stated that a female could not come over at 7 p.m. because of soccer. Another said a girl had to work Sunday — "Monday after school?" And still another note contained the work hours of a girl, saying she leaves school at 11:30 a.m. and would come over the next day at 10:30 a.m.

Only three months before the police department probe began, Epstein donated $90,000 to the department for the purchase of a firearms simulator, said Jane Struder, town finance director. The purchase was never made. The money was returned to Epstein on Monday, she said.

Staff writers Andrew Marra and Tim O'Meilia and staff researcher Angelica Cortez contributed to this story.

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FD-350 (Rev. 5-8-81)

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West Palm Bech, FL
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Submitting Office: MM

Indexing:

Police say lawyer tried to discredit teenage girls

By LARRY KELLER
Palm Beach Post Staff Writer

Famed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney's Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages, according to police reports.

The reports also state that another Epstein attorney agreed to a plea bargain that would have allowed Epstein to have no criminal record. His current attorney denies this happened.

And the documents also reveal that the father of at least one girl complained that private investigators aggressively followed his car, photographed his home and chased off visitors.

Police also talked to somebody who said she was offered money if she refused to cooperate with the Palm Beach Police Department probe of Epstein.

Epstein: His former attorney agreed to a plea bargain, police say.

The state attorney's office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls' credibility. The grand jury indicted Epstein, 53, on a single count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison.

Police believed there was probable cause to charge Epstein with the more serious crimes of unlawful sex acts with a minor and lewd and lascivious molestation. Police Chief Michael Reiter was so angry that he wrote State Attorney Barry Krischer a memo in May suggesting he disqualify himself from the case.

The case originally was going to be presented to the grand jury in February, but was postponed after Dershowitz produced information gleaned from the Web site myspace.com showing some of the alleged victims commenting on alcohol and marijuana use, according to the police report prepared by Detective Joseph Recarey.

Haley Robson, a 20-year-old Royal Palm Beach woman who told police she recruited girls for Epstein, also is profiled on myspace.com. Her page includes photos of her and her friends, including one

See EPSTEIN, 7B ▶

039566-67

31E-MM-108062-7

Polygraph shows he didn't know girls' ages, lawyer says

▶ EPSTEIN *from 1B*

using the name "Pimpin' Made EZ." Robson, who was not charged in the case, is a potential prosecution witness.

According to Recarey, prosecutor Lanna Belohlavek offered Epstein attorneys Dershowitz and Guy Fronstin a plea deal in April. Fronstin, after speaking with Epstein, accepted the deal, in which Epstein would plead guilty to one count of aggravated assault with intent to commit a felony, be placed on five years' probation and have no criminal record. The deal also called for Epstein to submit to a psychiatric and sexual evaluation and have no unsupervised visits with minors, according to Recarey's report. The plea bargain was made in connection with only one of the five alleged victims, the report states.

Fronstin — who declined to comment on the case — was subsequently fired and veteran defense attorney Jack Goldberger was hired. He denies there was any agreement by any of Epstein's attorneys to a plea deal.

"We absolutely did not agree to a plea in this case," he said. Neither Belohlavek nor a state attorney's spokesman could be reached for comment.

The parent or parents of alleged victims who complained of being harassed by private investigators provided license tag numbers of two of the men. Police found the vehicles were registered to a private eye in West Palm Beach and another in Jupiter, according to Recarey's report.

"I have no knowledge of it," defense attorney Goldberger said.

The report also says a woman connected to the Epstein case was contacted by somebody who was still in touch with Epstein. That person told her she would be compensated if she didn't cooperate with police, Recarey's report says. Those who did talk "will be dealt with," the woman said she was told. Phone records show the woman talked with the person who allegedly intimidated her around the time she said, Recarey reported.

Phone records also show that the person said to have made the threat then placed a call to Epstein's personal assistant, who in turn called a New York corporation affiliated with Epstein, the report states.

The issue in the Epstein case is not whether females came to his waterfront home, but whether he knew their ages.

"He's never denied girls came to the house," Goldberger said. But when Epstein was given a polygraph test, "he passed on knowledge of age," the attorney said.

After the indictment against Epstein was unsealed this week, Police Chief Reiter referred the matter to the FBI. "We've received the referral, and we're reviewing it," said FBI spokeswoman Judy Orihuela in Miami.

The chief himself has come under attack from Epstein's lawyers and friends in New York, where he has a home. The *New York Post* quoted Epstein's prominent New York lawyer, Gerald Lefcourt, as saying his client was indicted only "because of the craziness of the police chief."

Reiter has declined to comment on the case.

Prosecutors have not presented a sex-related case like Epstein's to a grand jury before, said Mike Edmondson, spokesman for the state attorney's office. "That's what you do with a case that falls into a gray area," he said.

The state attorney's office did not recommend a particular criminal charge on which to indict Epstein, Edmondson said. The grand jury was presented with a list of charges from highest to lowest, then deliberated with the prosecutor out of the room, he said.

"People are surprised at the grand jury proceeding," West Palm Beach defense attorney Richard Tendler said. "It's a way for the prosecutor's office to not take the full responsibility for not filing the (charge), and not doing what the Palm Beach Police Department wanted. I think something fell apart with those underage witnesses."

Defense attorney Robert Gershman was a prosecutor for six years. "Those girls must have been incredible or untrustworthy, I don't know," he said.

Other attorneys said Epstein's case raises the issue of whether wealthy, connected defendants like Epstein — whose friends include former President Clinton and Donald Trump — are treated differently from others. Once he knew he was the subject of a criminal probe, Epstein hired a phalanx of powerful attorneys such as Dershowitz and Lefcourt, who is a past president of the National Association of Criminal Defense Lawyers.

Miami lawyer Roy Black — who became nationally known when he successfully defended William Kennedy Smith on a rape charge in Palm Beach — also was involved at one point.

Said defense attorney Michelle Suskauer: "I think it's unfortunate the public may get the perception that with power, you may be treated differently than the average Joe."

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03956-68

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 08/01/2006

To: Miami **Attn:** IMA/PB2

From: Miami
PB2/PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

b3 -1
b6 -1, -2
b7C -1, -2

Case ID #: 31E-MM-108062 ~~(Pending)~~

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To request the opening of sub-files in captioned case.

Details: It is requested that the following sub-files be opened to assist in document management in captioned case.

SUB - SUBP to capture subpoena request.

SUB - FF to capture forfeiture related materials.

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31E-MM-108062-8

03956-69

FD-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)
20B / The Palm Beach Post
West Palm Beach, FL
Date: 8/4/2006
Edition:

Title: He was over 50
And they were girls

Character
or
Classification 31E-MM-108062
Submitting Office: MM

He was over 50. And they were girls

If the women whom Palm Beach police say a part-time town resident invited to his home and paid for sex acts were, in fact, *women*, the solicitation charge against Jeffrey Epstein might feel more sufficient. But, according to police records, they weren't. He was over 50. And they were girls.

Elisa Cramer

14.
15.
16.
17-year-old *girls*.

That should count for something — the difference between prostitution and pedophilia.

So, it is baffling that Mr. Epstein, who was indicted last month by a grand jury on one felony count of solicitation of prostitution, has not been charged, as Palm Beach police strenuously urged, with unlawful sex acts with a minor and lewd and lascivious molestation.

Conviction of crimes against minors would mean steeper penalties than the maximum five-year prison term Mr. Epstein faces if convicted of the single count of felony solicitation. It also would help carry a message of intolerance to perverts who prey on girls.

Prosecutors did not pursue charges against Mr. Epstein reflecting the age of the victims because they assumed a jury would view the girls not as victims but as promiscuous, untrustworthy, willing participants. The presumption is offensive.

Mr. Epstein, a 53-year-old Manhattan money manager who has hired Harvard law professor Alan Dershowitz and defense attorney Jack Goldberger, has denied knowing how old the girls were.

Jury should have decided if Epstein is a pedophile.

But police interviews with five alleged victims and 17 witnesses under oath, as well as phone messages, a high school transcript and other items that police found from searching Mr. Epstein's trash and 7,234-square-foot waterfront home, provide evidence that he knew the girls were teenagers.

One girl couldn't show up when Mr. Epstein wanted because she had soccer. Another time, Mr. Epstein had to wait for his "massage" session because the girl he wanted was still in class.

Why didn't State Attorney Barry Krischer let a jury decide whether to believe the teenagers — including a 16-year-old who went to Mr. Epstein's house to "work" in December 2004 after being asked whether she needed to make money for Christmas gifts?

Prosecutors gave greater weight to the details Mr. Dershowitz provided about the girls in an apparent effort to assail their character. Mr. Dershowitz pointed out to prosecutors that some of the teenagers had talked on myspace.com about marijuana and alcohol use.

The 20-year-old Royal Palm Beach woman who told police she recruited girls for Mr. Epstein has a Web page on myspace.com that features one girl using the name "Pimpin' Made EZ."

Although no charges of witness tampering have been filed, the parents of at least one of the teenage victims complained to police of being followed and intimidated by two men. Police determined that their vehicles were registered to two private investigators. Mr. Goldberger denied knowing anything about it.

Police also note in their reports that the state attorney's office offered Mr. Epstein a plea deal that would have placed him on probation for five years, allowing him ultimately to walk away with no criminal record at all.

I asked Mr. Krischer's spokesman, Mike Edmondson, why the case was referred to a grand jury instead of Mr. Epstein being charged and facing a trial before a jury. And shouldn't the victims' credibility be a factor to determine whether a crime's been committed, not whether a jury will convict? (After all, as Mr. Goldberger told *The Palm Beach Post* of Mr. Epstein, "He's never denied girls came to the house.")

Especially, I asked Mr. Edmondson to explain: Why shouldn't the public look at this case and think there are two kinds of justice — one for the wealthy and one for the rest of us?

Mr. Edmondson said he could not comment on the case because it is active, but on the latter point, he offered, for the sake of "philosophical debate": "Whether wealth buys a different standard of justice across the country ... the answer to that would, of course, be yes."

But in this case, he said, "regardless of the battery of attorneys, the outcome would be the same. Every issue that was debated in public was debated in our office before this case went to the grand jury."

In this case, it is not the victims' credibility but the state attorney's that deserves questioning.

Elisa Cramer is an editorial writer for The Palm Beach Post. *Her e-mail address is elisa_cramer@pbpost.com*

8/4/06

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-9

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Expert: Ignorance of age isn't defense in sex cases

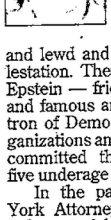
By LARRY KELLER
Palm Beach Post Staff Writer

Even if Palm Beach money manager Jeffrey Epstein didn't know that girls who police say gave him sexual massages at his Intracoastal home were under the legal age, that alone wouldn't have exempted him from criminal charges of sexual activity with minors.

"Ignorance is not a valid defense," said Bob Dekle, a legal skills professor who was a Lake City prosecutor for nearly 30 years, half of that time specializing in sex crimes against children.

"There is no knowledge element as far as the age is concerned," Dekle said.

After an 11-month investigation, Palm Beach police said there was probable cause to charge Epstein, 53, with unlawful sex acts with a minor and lewd and lascivious molestation. They contend that Epstein — friend of the rich and famous and financial patron of Democratic Party organizations and candidates — committed those acts with five underage girls.



Epstein: Two politicians have returned donations since he was charged with soliciting minors.

In the past week, New York Attorney General and gubernatorial candidate Eliot Spitzer has returned about $50,000 in campaign contributions he received from Epstein, and Mark Green, a candidate to replace Spitzer in

See EPSTEIN, 5B ▶

03956-76
31E-MM-108062-11

Lawyer: Jurors often believe adults over kids

▶ EPSTEIN *from 1B*

his current job, has returned $10,000 to him because of the Palm Beach scandal, the *New York Daily News* has reported.

Rather than file charges, the state attorney's office presented the case to a county grand jury. The panel indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution.

The case raised eyebrows because the state attorney's office rarely, if ever, kicks such charges to a grand jury. And it increases the difficulty of prosecuting child sex abuse cases, especially when the defendant is enormously wealthy and can hire high-priced, top-tier lawyers.

At least one of Epstein's alleged victims told police he knew she was underage when the two of them got naked for massages and sexual activity. She was 16 years old at the time and said Epstein asked her questions about her high school, according to police reports.

A girl who said she met Epstein when she was 15 said he told her if she told anybody what happened at his house, bad things could happen, the police reports state.

Epstein's youngest alleged victim was 14 when she says she gave him a massage that included some sexual activity. She is now 16. The girl's father says he doesn't know whether she told Epstein her age.

"My daughter has kept a lot of what happened from me because of sheer embarrassment," he said. "But she very much looked 14. Any prudent man would have had second thoughts about that."

Defense attorney Jack Goldberger maintains that not only did Epstein pass a polygraph test showing he did not know the girls were minors, but their stories weren't credible. The state attorney's office also implied that their credibility was an issue when it decided not to charge Epstein directly, but instead give the case to the grand jury.

"A prosecutor has to look at it in a much broader fashion," a state attorney's spokesman said last week.

Epstein hired Harvard law Professor Alan Dershowitz when he became aware he was under investigation, and Dershowitz gave prosecutors information that some of the alleged victims had spoke of using alcohol and marijuana on a popular Web site, according to a Palm Beach police report.

Prosecutors typically consider two things in deciding whether to charge somebody with sex-related offenses against minors — whether there is sufficient evidence and whether there is a public interest in doing so, Dekle said.

Child sex abuse cases often are difficult to prosecute, an attorney says.

If two teens are in a sexual relationship and the boy turns 18 before the girl, he could be charged with a sex crime if the sex continues. There would be no public interest in pursuing that, Dekle said.

But where there is a large gap in ages — and especially in cases of teachers with students — there is a public interest in prosecuting, he said. Likewise if the accused has a track record of sex with minors.

Still there is a "universal constant" in prosecuting these cases, Dekle said. Men who exploit underage children for sex often carefully choose their victims in ways that will minimize the risk to them, he said.

Victims usually are from a lower social status, and they may suffer from psychological problems, Dekle said.

"Lots of child sexual abuse victims have been victimized by multiple people over a period of time. Then the act of abuse produces behavior in the victims that further damages their credibility." Examples include promiscuous behavior and drug abuse.

Some of the alleged victims in the Epstein case returned to his home multiple times for the massage sessions and the $200 to $300 he typically paid them per visit. "That would be a definite problem for the prosecutor," said Betty Resch, who prosecuted crimes against children in Palm Beach County for five years and now is in private practice in Lake Worth.

"The victim becomes less sympathetic" to a jury, Resch said. "But she's a victim nevertheless. She's a kid."

Most men charged with sex crimes against minors look normal, Dekle said. A jury expecting to see a monster seldom will. And the victims' ages work against them and in favor of the defendant in a trial, Dekle said.

If a child and an adult tell different stories and both swear they're telling the truth, adult jurors are more likely to believe the adult, Dekle said.

"You have all these things working against you in a child sex abuse case. Prosecutors normally try to be very careful in filing those cases because they know what they're getting into. There is no such thing as an iron-clad child sexual abuse case."

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Palm Beach chief focus of fire in Epstein case

Defendant's lawyers take him on; he slams state attorney

By LARRY KELLER
Palm Beach Post Staff Writer

In the case of Palm Beach financier Jeffrey Epstein, it seems, at times, as if two men are accused of wrongdoing: Epstein and Palm Beach Police Chief Michael Reiter.

Epstein, 53, was indicted last month on a charge of felony solicitation of prostitution solely because of Reiter's "craziness," one of Epstein's lawyers said. His department disseminated "a distorted view of the case" and behaved in a "childish" manner when the grand jury didn't indict Epstein on the charges it sought, another Epstein lawyer complained.

To hear the Epstein camp tell it, Reiter, 48, is a loose cannon better suited to be the sheriff of Mayberry. They whisper that he's embroiled in a messy divorce.

Reiter did in fact file for divorce from his wife, Jill, last year, after 24 years of marriage. They have a son, 18, and a daughter, 14. The couple is scheduled to go to mediation Wednesday. Nothing in the court file suggests their split is particularly ugly.

Reiter incurred the wrath of the Epstein camp as well as the state attor-

See REITER, 7B ▶

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Colleagues cite chief's professionalism, integrity

▶REITER *from 1B*

ney's office for two reasons. First, he pressed for Epstein to be charged with the more serious crimes of sexual activity with minors. Second, he slammed State Attorney Barry Krischer in blunt language seldom used by one law-enforcement official concerning another because of what he perceived as that office's mishandling of the case.

In a letter to Krischer written May 1, Reiter called his actions in the Epstein case "highly unusual." He added, "I must urge you to . . . consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases."

In short, Reiter told the county's top prosecutor for the past 13 years that he ought to get off the case. "It looks like a departure from professionalism," Miami-Dade State Attorney Katherine Fernandez Rundle said of Reiter's letter.

Following Epstein's indictment, Reiter referred the case to the FBI to determine whether the super-rich, super-connected defendant had violated any federal laws.

Reiter won't discuss the case or the broadsides aimed at him. But others almost uniformly use one word to describe the chief: professional.

"I have always been impressed by Mike's professionalism and his leadership," said Rick Lincoln, chief of the Lantana Police Department and a Palm Beach County cop for 32 years.

"The town of Palm Beach has a very professional police department. We all consider Mike to be our peer and a man of integrity."

Reiter: Town Manager Peter Elwell says the Palm Beach police chief's well worth his $144,000 salary.

Juno Beach Police Chief H.C. Clark II agreed. Although he doesn't know Reiter well, he has met with him on countywide law enforcement issues. "I've never seen him lose his cool. I've never seen anything but a professional demeanor from him."

Reiter joined the Palm Beach Police Department in 1981, leaving a $20,000-a-year patrol job at the University of Pittsburgh. His personnel jacket shows consistently excellent job evaluations.

Posh Palm Beach is no hotbed of crime, and in his first year on the job, a resident confined to his home with a sick child thanked Reiter for delivering a few Cokes to the house. Reiter refused payment for the beverages. Another resident thanked Reiter for shutting off his car's headlights in his driveway, saying a valet must have been at fault.

Reiter worked everything from road patrol to organized crime, vice and narcotics. And he's no novice at investigations involving the island's rich and famous. He was the lead detective probing the drug overdose death of David Kennedy in 1984. He also was one of the officers who worked the investigation of William Kennedy Smith, who was charged in 1991 — and later acquitted — with raping a woman at the Kennedy family compound in Palm Beach.

Reiter, who has a master's degree in human resource development from Palm Beach Atlantic University, also has attended the FBI National Academy in Quantico, Va., and management courses at Harvard. He's been active in countywide interagency law enforcement organizations and has a "top secret" national security clearance.

"He has a perspective that's broader than just addressing the needs of the town," said Town Manager Peter Elwell, who promoted Reiter from assistant chief to chief in March 2001. Reiter makes more than $144,000 as the town's top cop. Elwell thinks he's worth it.

"He's very businesslike, very straightforward. He's not easily agitated or flamboyant. He's about the work," Elwell said. "I think that his service as chief has been outstanding in five-plus years."

larry_keller@pbpost.com

03956-79

FD-350 (Rev. 5-8-91)

Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)
1A / 6A / The Palm Beach Post
West Palm Beach, FL
Date: 8/14/2006
Edition:

Title: The man who had everything

Character
or
Classification: 31E-MM-108062
Submitting Office: MM

Indexing:

03956-80

The man who had everything

Epstein's Palm Beach mansion at 358 El Brillo Way.

Jeffrey Epstein craved big homes, elite friends and, investigators say, underage girls

By ANDREW MARRA, Palm Beach Post Staff Writer

31E-MM-108062-13

Jeffrey Epstein has donated more than $100,000

to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

WINGED GARGOYLES guarded the gate at Jeffrey Epstein's Palm Beach mansion. Inside, hidden cameras trolled two rooms, while the girls came and went.

For the police detectives who sifted through the garbage outside and kept records of visitors, it was the lair of a troubling target.

Epstein, one of the most mysterious of the country's mega-rich, was known as much for his secrecy as for his love of fine things: magnificent homes, private jets, beautiful women, friendships with the world's elite.

But at Palm Beach police headquarters, he was becoming known for something else: the regular arrival of teenage girls he hired to give him massages and, police say, perform sexual favors.

Epstein was different from most sexual abuse suspects; he was far more powerful. He counted among his friends former President Bill Clinton, Donald Trump and Prince Andrew, along with some of the most prominent legal, scientific and business minds in the country.

When detectives started

See EPSTEIN, 6A ▶

Epstein's mysterious lifestyle began to unravel after claims of sexual activity with minors.

03956-81

A life of luxury and secrecy

TINA FINEBERG/The Associated Press

Jeffrey Epstein's Manhattan townhouse dominates a block on the Upper East Side. Thought to be the largest private residence in Manhattan, it is reported to have closed-circuit television and a heated sidewalk to melt fallen snow.

Powerful legal team stymies detectives

Women in his life

Ghislaine Maxwell, a fixture at elite parties and the intensely private daughter of a media tycoon, dated Epstein in the 1990s.

'I'm like a Heidi Fleiss.' Haley Robson told police she took at least six girls to visit Epstein, all between the ages of 14 and 16.

PalmBeachPost.com

Read previous stories on the Epstein investigation.

03956-82

▶ EPSTEIN *from 1A*

asking questions and teenage girls started talking, a wave of legal resistance followed.

If Palm Beach police didn't know quite who Jeffrey Epstein was, they found out soon enough.

Epstein, now 53, was a quintessential man of mystery. He amassed his fortune and friends quietly, always in the background as he navigated New York high society.

When he first attracted notice in the early 1990s, it was on account of the woman he was dating: Ghislaine Maxwell, daughter of the late British media tycoon Robert Maxwell.

In a lengthy article, headlined "The Mystery of Ghislaine Maxwell's Secret Love," the British *Mail on Sunday* tabloid laid out speculative stories that the socialite's beau was a CIA spook, a math teacher, a concert pianist or a corporate headhunter.

"But what is the truth about him?" the newspaper wondered. "Like Maxwell, Epstein is both flamboyant and intensely private."

The media frenzy did not begin in full until a decade later. In September 2002, Epstein was flung into the limelight when he flew Clinton and actors Kevin Spacey and Chris Tucker to Africa on his private jet.

Suddenly everyone wanted to know who Epstein was. *New York* magazine and *Vanity Fair* published lengthy profiles. The *New York Post* listed him as one of the city's most eligible bachelors and began describing him in its gossip columns with adjectives such as "mysterious" and "reclusive."

Although Epstein gave no interviews, the broad strokes of his past started to come into focus.

Building a life of extravagance

He was born blue-collar in 1953, the son of a New York City parks department employee, and raised in Brooklyn's Coney Island neighborhood. He left college without a bachelor's degree but became a math teacher at the prestigious Dalton School in Manhattan.

The story goes that the father of one of Epstein's students was so impressed with the man that he put him in touch with a senior partner at Bear Stearns, the global investment bank and securities firm.

In 1976, Epstein left Dalton for a job at Bear Stearns. By the early 1980s, he had started J. Epstein and Co. That is when he began making his millions in earnest.

Little is known or said about Epstein's business except this: He manages money for the extremely wealthy. He is said to handle accounts only of $1 billion or greater.

It has been estimated he has roughly 15 clients, but their identities are the subject of only speculation. All except for one: Leslie Wexner, founder of The Limited retail chain and a former Palm Beacher who is said to have been a mentor to Epstein.

Wexner sold Epstein one of his most lavish residences: a massive townhouse that dominates a block on Manhattan's Upper East Side. It is reported to have, among its finer features, closed-circuit television and a heated sidewalk to melt away fallen snow.

That townhouse, thought to be the largest private residence in Manhattan, is only a piece of the extravagant world Epstein built over time.

In New Mexico, he constructed a 27,000-square-foot hilltop mansion on a 10,000-acre ranch outside Santa Fe. Many believed it to be the largest home in the state.

In Palm Beach, he bought a waterfront home on El Brillo Way. And he owns a 100-acre private island in the Virgin Islands.

Perhaps as remarkable as his lavish homes is his extensive network of friends and associates at the highest echelons of power. This includes not only socialites but also business tycoons, media moguls, politicians, royalty and Nobel Prize-winning scientists whose research he often funds.

"Just like other people collect art, he collects scientists," said Martin Nowak, who directs the Program for Evolutionary Dynamics at Harvard University and was reportedly the recipient of a $30 million research donation from Epstein.

Epstein is said to have befriended former Harvard President Larry Summers, prominent law Professor Alan Dershowitz, Donald Trump and *New York Daily News* Publisher Mort Zuckerman.

And yet he managed for decades to maintain a low profile. He avoids eating out and was rarely photographed.

"The odd thing is I never met him," said Dominick Dunne, the famous chronicler of the trials and tribulations of the very rich. "I wasn't even aware of him," except for a *Vanity Fair* article.

Epstein's friendship with Clinton has attracted the most attention.

Epstein met Clinton as early as 1995, when he paid tens of thousands of dollars to join him at an intimate fund-raising dinner in Palm Beach. But from all appearances, they did not become close friends until after Clinton left the Oval Office and moved to New York.

Epstein has donated more than $100,000 to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Rodham Clinton, Christopher Dodd and Charles Schumer.

Powerful friends and enemies

A *Vanity Fair* profile found cracks in the veneer of Epstein's life story. The 2003 article said he left Bear Stearns in the wake of a federal probe and a possible Securities and Exchange Commission violation. It also pointed out that Citibank once sued him for defaulting on a $20 million loan.

The article suggested that one of his business mentors and previous employers was Steven Hoffenberg, now serving a prison term after "bilking investors out of more than $450 million in one of the largest Ponzi schemes in American history."

As he amassed his wealth, Epstein made enemies in disputes both large and small. He sued the man who in 1990 sold him his multimillion-dollar Palm Beach home over a dispute about less than $36,000 in furnishings.

03956-83

former friend claimed Epstein reneged out of a promise to reimburse him hundreds of thousands of dollars after their failed investment in Texas oil wells. A judge decided Epstein owed him nothing.

"It's a bad memory. I would rather not have ever met Jeffrey Epstein," said Michael Stroll, the retired former president of Williams Electronics and Sega Corp. "Suffice it to say I have nothing good to say about him."

Among the characteristics most attributed to Epstein is a penchant for women.

He has been linked to Maxwell, a fixture on the high-society party circuits in both New York and London. Previous girlfriends are said to include a former Ms. Sweden and a Romanian model.

"He's a lot of fun to be with," Donald Trump told *New York* magazine in 2002. "It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it, Jeffrey enjoys his social life."

Investigation leads to Epstein

Although he was not a frequenter of the Palm Beach social scene, he made his presence felt. Among his charitable donations, he gave $90,000 to the Palm Beach Police Department and $100,000 to Ballet Florida.

In Palm Beach, he lived in luxury. Three black Mercedes sat in his garage, alongside a green Harley-Davidson. His jet waited at a hangar at Palm Beach International Airport. At home, a private chef and a small staff stood at the ready. From a window in his mansion, he could look out on the Intracoastal Waterway and the West Palm Beach skyline. He seemed to be a man who had everything.

But extraordinary wealth can fuel extraordinary desires.

In March 2005, a worried mother contacted Palm Beach police. She said another parent had overheard a conversation between their children.

Now the mother was afraid her 14-year-old daughter had been molested by a man on the island.

The phone call triggered an extensive investigation, one that would lead detectives to Epstein but leave them frustrated.

Palm Beach police and the state attorney's office have declined to discuss the case. But a Palm Beach police report detailing the criminal probe offers a window into what detectives faced as they sought to close in on Epstein.

Detectives interviewed the girl, who told them a friend had invited her to a rich man's house to perform a massage. She said the friend told her to say she was 18 if asked. At the house, she said she was paid $300 after stripping to her panties and massaging the man while he masturbated.

Police interview 5 alleged victims

The investigation began in full after the girl identified Epstein in a photo as the man who had paid her. Police arranged for garbage trucks to set aside Epstein's trash so police could sift through it. They set up a video camera to record the comings and goings at his home. They monitored an airport hangar for signs of his private jet's arrivals and departures.

They quickly learned that the woman who took the 14-year-old girl to Epstein's house was Haley Robson, a Palm Beach Community College student from Loxahatchee. In a sworn statement at police headquarters, Robson, then 18, admitted she had taken at least six girls to visit Epstein, all between the ages of 14 and 16. Epstein paid her for each visit, she said.

During the drive back to her house, Robson told detectives, "I'm like a Heidi Fleiss."

Police interviewed five alleged victims and 17 witnesses. Their report shows some of the girls said they had been instructed to have sex with another woman in front of Epstein, and one said she had direct intercourse with him.

In October, police searched the Palm Beach mansion. They discovered photos of naked, young-looking females, just as several of the girls had described in interviews. Hidden cameras were found in the garage area and inside a clock on Epstein's desk, alongside a girl's high school transcript.

Two of Epstein's former employees told investigators that young-looking girls showed up to perform massages two or three times a day when Epstein was in town.

They said the girls were permitted many indulgences. A chef cooked for them. Workers gave them rides and handed out hundreds of dollars at a time.

One employee told detectives he was told to send a dozen roses to one teenage girl after a high school drama performance. Others were given rental cars. One, according to police, received a $200 Christmas bonus.

The cops moved to cement their case. But as they tried to tighten the noose, they encountered other forces at work.

In Orlando they interviewed a possible victim who told them nothing inappropriate had happened between her and Epstein. They asked her whether she had spoken to anyone else. She said yes, a private investigator had asked her the same questions.

When they subpoenaed one of Epstein's former employees, he told them the same thing. He and a private eye had met at a restaurant days earlier to go over what the man would tell investigators.

Detectives received complaints that private eyes were posing as police officers. When they told Epstein's local attorney, Guy Fronstin, he said the investigators worked for Roy Black, the high-powered Miami lawyer who has defended the likes of Rush Limbaugh and William Kennedy Smith.

While the private eyes were conducting a parallel investigation, Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls. From their own profiles on the popular Web site MySpace.com, he obtained copies of their discussions about their use of alcohol and marijuana.

He took his research to a meeting with prosecutors in early 2006, where he sought to cast doubt on the teens' reliability.

— The private eyes had dug up

03956-84

enough dirt on the girls to make prosecutors skeptical. Not only did some of the girls have issues with drugs or alcohol but also some had criminal records and other troubles, Epstein's legal team claimed. And at least one of them, they said, lied when she told police she was younger than 18 when she started performing massages for Epstein.

After the meeting, prosecutors postponed their decision to take the case to a grand jury.

In the following weeks, police received complaints that two of the victims or their families had been harassed or threatened. Epstein's legal team maintains that its private investigators did nothing illegal or unethical during their research.

By then, relations between police and prosecutors were fraying. At a key meeting with prosecutors and the defense, Detective Joseph Recarey, the lead investigator, was a no-show, according to Epstein's attorney.

"The embarrassment on the prosecutor's face was evident when the police officer never showed up for the meeting," attorney Jack Goldberger said.

Later in April, Recarey walked into a prosecutor's office at the state attorney's office and learned the case was taking an unexpected turn.

The prosecutor, Lanna Belohlavek, told Recarey the state attorney's office had offered Epstein a plea deal that would not require him to serve jail time or receive a felony conviction.

Recarey told her he disapproved of the plea offer.

The deal never came to pass, however.

Future unclear after charge

On May 1, the department asked prosecutors to approve warrants to arrest Epstein on four counts of unlawful sexual activity with a minor and to charge his personal assistant, Sarah Kellen, now 27, for her alleged role in arranging the visits. Police officials also wanted to charge Robson, the self-described Heidi Fleiss, with lewd and lascivious acts.

By then, the department was frustrated with the way the state attorney's office had handled the case. On the same day the warrants were requested, Palm Beach Police Chief Michael Reiter wrote a letter to State Attorney Barry Krischer suggesting he disqualify himself from the case if he would not act.

Two weeks later, Recarey was told that prosecutors had decided once again to take the case to the grand jury.

It is not known how many of the girls testified before the grand jury. But Epstein's defense team said one girl who was subpoenaed — the one who said she had sexual intercourse with Epstein — never showed up.

The grand jury's indictment was handed down in July. It was not the one the police department had wanted.

Instead of being slapped with a charge of unlawful sexual activity with a minor, Epstein was charged with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was booked into the Palm Beach County Jail early July 23 and released hours later.

Epstein's legal team "doesn't dispute that he had girls over for massages," Goldberger said. But he said their claims that they had sexual encounters with him lack credibility.

"They are incapable of being believed," he said. "They had criminal records. They had accusations of theft made against them by their employers. There was evidence of drug use by some of them."

What remains for Epstein is yet to be seen.

The Palm Beach Police Department has asked the FBI to investigate the case. It also has returned the $90,000 Epstein donated in 2004.

In New York, candidates for governor and state attorney general have vowed to return a total of at least $60,000 in campaign contributions from Epstein. Meanwhile, Epstein's powerful friends have remained silent as tabloids and Internet blogs feast on the public details of the police investigation.

Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"He will recover from this," he said.

Staff writer Larry Keller and staff researchers Bridget Bulger, Angelica Cortez, Amy Hanaway and Melanie Mena contributed to this story.

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FD-350 (Rev. 5-8-81)

Epstein camp calls female accusers liars

By LARRY KELLER
Palm Beach Post Staff Writer

Attorneys and publicists for Palm Beach financier Jeffrey Epstein went on the offensive Monday, contending that teenage girls who have accused Epstein of sexual shenanigans at his waterfront home are liars and saying that the Palm Beach Police Department is "childish."

"There never was any sex between Jeffrey Epstein and any underage women," his lead attorney, Jack Goldberger, said from Idaho where he was vacationing with his family.

Epstein

Epstein did have young women come to his house to give him massages, Goldberger said. "Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18. How he verified that, I don't know. The question is, did anything illegal occur. The law was not violated here."

He had no explanation as to why Epstein would pay girls or women with no massage training — as the alleged victims said was the case — $200 to $300 for their visits. "The credibility of these witnesses has been seriously questioned," Goldberger said.

Epstein, 53, was indicted by a county grand jury last month on a charge of felony solicitation of prostitution. After an 11-month investigation that included sifting through Epstein's trash and surveilling his home, Palm Beach police concluded there was enough evidence to charge him with sexual activity with minors. When the grand jury indicted Epstein on the less serious charge, Police Chief Michael Reiter referred the case to the FBI to determine whether there were federal law violations.

After a spate of stories about the case last week, New York publicist Dan Klores — whose client list has included Paris Hilton and Jennifer Lopez — said on Saturday that Epstein's camp was ready "to get their story out."

See EPSTEIN, 9B ▶

'Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18.'
JACK GOLDBERGER, Epstein's lead attorney

(Indicate page, name of newspaper, city and state.)
1B / 9B / The Palm Beach Post
West Palm Beach, FL
Date: 8/8/2006
Edition:

Title: Epstein camp calls female accusers liars

Character or
Classification: 31E-MM-108062
Submitting Office: MM

Indexing:

03956-94

31E-MM-108062-16

8/8/06

Attorney: Police gave media 'distorted view'

▶ EPSTEIN *from 1B*

They did that Monday via Goldberger and a Los Angeles publicist for Miami criminal defense attorney Roy Black, who also has represented Epstein in the case.

"We just think there has been a distorted view of this case in the media presented by the Palm Beach police," Goldberger said.

Reiter has consistently declined to comment on the case and did not respond to a request for comment Monday.

The implication that State Attorney Barry Krischer was easy on Epstein by presenting the case to a grand jury rather than filing charges directly against him is wrong, Goldberger said.

The Palm Beach Police Department was "happy and ecstatic" that the panel was going to review the evidence. "I think what happened is they weren't happy with the result. They decided to use the press to embarrass Mr. Epstein."

But records show that Reiter wrote Krischer on May 1 — well before the case went to the grand jury — suggesting that Krischer "consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases."

Rather than flat-out decline to charge Epstein, Krischer referred the case to the grand jury to "appease" the chief, Goldberger said.

A state attorney's spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses' credibility.

Both the state attorney and the grand jury concluded there was not sufficient evidence that Epstein had sex with minors, according to Goldberger. "It was just a childish performance by the Palm Beach Police Department," Goldberger said.

The defense attorney said one of the alleged victims who claimed she was a minor was in fact over the age of 18. Another alleged victim who was subpoenaed to testify to the grand jury failed to do so. Epstein's accusers, he added, have histories of drug abuse and thefts. "These women are liars. We've established that."

But why would they all invent their stories about meeting Epstein for sexual massages?

"I don't have an answer as to what was the motivation for these women to come forward and make these allegations," Goldberger said.

© larry_keller@pbpost.com

Epstein investigation

Read a letter from Palm Beach Police Chief Michael Reiter to State Attorney Barry Krischer on the Epstein probe.

PalmBeachPost.com

03956-95

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/13/2006

To: Miami
Miami-FIG

Attn: SSA
SIA

From: Miami
Squad PB-2, PBCRA
Contact: SA

Approved By:

Drafted By:

b3 -1
b6 -1, -2
b7C -1, -2

Case ID #: 31E-MM-108062 ~~(Pending)~~

Title: JEFFREY EPSTEIN;

WSTA - CHILD PROSTITUTION

Synopsis: To request analytical assistance regarding b7E -1

Enclosure(s):

b6 -1
b7C -1
b7D -2
b7E -1

Details: An ongoing federal investigation has revealed that

b3 -1
b6 -1, -3
b7C -1, -3

Enclosed for analytical review are

b3 -1
b6 -1, -3
b7C -1, -3
b7D -2
b7E -1

26 lenkol. ec 03956-96
31E-MM-108062-17

b6 -1
b7C -1
b7D -2
b7E -1

[redacted]

Please contact SA [redacted] at [redacted] should any further information be needed.

b6 -2
b7C -2

♦♦

03956-97

HOUSE_OVERSIGHT_019384

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/14/2006

To: Miami

From: Miami
PB-2/West Palm Beach RA
Contact: SA [redacted] b6 -2 b7C -2

Approved By: [redacted]

Drafted By: [redacted] as

Case ID #: [redacted] (Pending Inactive)
~~(Pending)~~
~~(Pending)~~
~~(Pending)~~ b7A -1
~~(Pending)~~ b7E -3
~~(Pending)~~
~~(Pending)~~
~~(Pending)~~
~~(Pending)~~
~~(Pending)~~
~~(Pending)~~
~~(Pending)~~

Title: Case update.

Synopsis: Delayed Investigation.

Details: For information of the file, investigation in this matter has been delayed due to writer's assignment to a kidnaping investigation [redacted] since 1/17/2006. b7E -3

♦♦

62D-MM-1D 1021-2 03956-99

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date: 07/30/2006
Edition: PALM BEACH POST

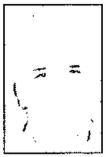
Title: BILLIONAIRE FACES CHARGE OF SOLICITATION OF MINORS

Character: 31E-MM-108062
or
Classification:
Submitting Office:

Indexing:

Billionaire faces charge of solicitation of minors

MONDAY: Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department. An indictment was unsealed that charged Epstein, 53, with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was released on $3,000 bond. Epstein's attorney, Jack Goldberger, said his client, a money manager for the wealthy, committed no crimes and passed a lie detector test in which he said he did not know the girls were minors.



Epstein

03956-100

31E-MM-108062-18

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/18/2006

To: New York **Attn:** Crimes Against Children
SSA [redacted]
Squad C-20

From: Miami
PB2/PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

b3 -1
b6 -1, -2
b7C -1, -2

Case ID #: 31E-MM-108062 ~~(Pending)~~

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: To set lead for captioned investigation.

Enclosure(s): One Grand Jury Subpoena for [redacted] b3 -2
[redacted]

Details: On [redacted] the Federal Bureau of Investigation (FBI), Palm Beach County Resident Agency (PBCRA), opened an investigation involving multi-millionaire Jeffery Epstein and captioned subjects. The investigation involves [redacted]

b3 -1
b6 -1, -3
b7C -1, -3
b7E -4

[redacted]

[redacted]

b6 -1
b7C -1

261trs01.ec

31E-MM-108062-19

03956-101

To: New York From: Miami
Re: 31E-MM-108062, 09/18/2006

FBI Miami, PBCRA, request [redacted] b3 -2

Any questions or concerns contact SA [redacted] Miami Division, PBCRA, [redacted] b6 -2 b7C -2

[redacted] biographical information is the following:

Name
DOB
SSAN
Hair
Eyes
Height
Weight

[redacted] b6 -1 b7C -1

LEAD(s):

Set Lead 1: (Action)

NEW YORK

AT NEW YORK

It is requested that FBI New York [redacted] In addition, if needed, serve the enclosed subpoena.

b3 -2
b6 -1
b7C -1

♦♦

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 06/21/07 Time: 14:03

Case ID: 31E-MM-108062 Serial: 20

Description of Document:

Type : [redacted]
Date :
To :
From : US DIST COURT
Topic: EXECUTED FGJ SUBPOENA

b3 -2

Reason for Permanent Charge-Out:

transfer to subpoena sub

Transferred to:

Case ID: 31E-MM-108062-SBP Serial: 62

Employee: [redacted]

b6 -2
b7C -2

03956-104

31E-MM-108062-20

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 10/17/2006

To: Miami **Attn:** SA [redacted]
PB2/PBCRA

From: New York
Squad C-20
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted] rwd

b3 -1
b6 -1, -2
b7C -1, -2

Case ID #: 31E-MM-108062 ~~(Pending)~~ -25

Title: JEFFREY EPSTEIN;
[redacted]
WSTA- CHILD PROSTITUTION

Synopsis: Lead covered for captioned investigation; Grand Jury subpoena served [redacted] b3 -2

Reference: 31E-MM-108062 Serial 19

Enclosure(s): Enclosed for Miami is the server copy of the referenced Grand Jury subpoena issued by the United States District Court, Southern District of Florida on 10/06/2006 and served [redacted] on 10/16/2006. b3 -2

Details: On 10/16/2006, SA [redacted] received from SA [redacted], via Federal Express delivery service, the referenced Grand Jury subpoena. On that date, SA [redacted] and SA [redacted]

[redacted]

b3 -2
b6 -2, -5
b7C -2, -5

[redacted]

b3 -2
b6 -2, -5
b7C -2, -5

03956-109

31E-MM-108062-25

[redacted] at the United States District Courthouse located at 701 Clematis Street, West Palm Beach, Florida. b3 -2 b6 -5 b7C -5

At this time, no further action will be taken by the New York Office in this matter. Lead is covered.

♦♦

United States District Court

SOUTHERN DISTRICT OF FLORIDA

TO: [redacted]

b3 -2

SUBPOENA TO TESTIFY BEFORE GRAND JURY

FGJ 05-02(WPB)-Fri./No. OLY-19

SUBPOENA FOR: [redacted]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:	ROOM:
United States District Courthouse 701 Clematis Street West Palm Beach, Florida 33401	Room 4-A
	DATE AND TIME: [redacted]

b3 -2
b6 -2
b7C -2

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

[redacted]

Please coordinate your compliance of this subpoena and confirm the date and time of your appearance with Special Agent [redacted] **Federal Bureau of Investigation, Telephone:** [redacted]

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK	DATE:
(BY) DEPUTY CLERK	October 6, 2006

This subpoena is issued upon application of [redacted]

Name, Address and Phone Number of Assistant U.S. Attorney
[redacted] Assistant U.S. Attorney
500 So. Australian Avenue, Suite 400
West Palm Beach, FL 33401-6235
Tel: [redacted]
Fax: (561) 802-1787

b6 -6
b7C -6

*If not applicable, enter "none."

To be used in lieu of AO110

FORM ORD-227
JAN.86

03956-111

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 11/09/2006

To: Miami

From: Miami
PB2/West Palm Beach RA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

b3 -1
b6 -1, -2
b7C -1, -2

Case ID #: 31E-MM-108062 – 33

Title: JEFFREY EPSTEIN;
[redacted]
WSTA - CHILD PROSTITUTION

Synopsis: Request that SA [redacted] with SOC# [redacted] [redacted] receive holiday pay on November 10, 2006, Veteran's Day, a Federal Holiday.

b6 -2
b7C -2

Details: SA [redacted] will be working on gathering data for the Intelligent Analyst that will be coming to the Palm Beach RA on Monday.

b6 -2
b7C -2

♦♦

313ld 03.ec

31E-MM-108062-0395623

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, CRIMINAL DIVISION
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: Search Warrant, Affidavit and Application for Search Warrant, and Inventory and Return

DATED AND SIGNED: 10-19-05

AFFIANTS: Det. [redacted] Palm Beach Police

b6 -4
b7C -4

ORDER SEALING AFFIDAVIT AND APPLICATION FOR SEARCH WARRANT AND RELATED SEARCH WARRANT AND INVENTORY AND RETURN

THIS CAUSE having come before the Court and the Court having been appraised,

IT IS HEREBY ORDERED pursuant to Florida Statues Chapter 119.07(3)(b) that the Affidavit and Application for Search Warrant signed by Investigator [redacted] as affiant dated and related Search Warrant dated October 18, 2005 hereby **sealed** until further order of the Court.

b6 -4
b7C -4

The Clerk of Court, Criminal Division is hereby ordered to seal said Search Warrant and Affidavit and Application for Search Warrant until further order of the Court.

It is further

ORDERED that the Inventory and Return for Said Search Warrant shall be **sealed** when filed with the Clerk of Court until further order of the Court.

DONE AND ORDERED this 19th day of October at West Palm Beach, Palm Beach County, Florida.

Laura Johnson
Circuit Court Judge

xc: [redacted] Assistant State Attorney

b6 -7
b7C -7

(COPY)

03956-235

Department of Economics, Harvard University, v. November 9, 2009

Economics 1545: International Financial and Macroeconomic Policy

Professor Kenneth Rogoff

Time and Place: Fall 2009; M, W, 1–2:30 pm., Sever Hall 203

Office Hours: Littauer Center 216. Mondays 3–4 PM, or by appointment

Email: [redacted] (*N.B. When sending an email pertaining to this course, please put "1545" in the subject header.*)

Teaching Assistant: Thomas Sampson, [redacted]

Staff Assistant: Jane Trahan, [redacted]

Overview:

This is an advanced international finance and macroeconomics course that uses a mix of theoretical, empirical and policy frameworks to analyze topical problems in international finance.

Prerequisites:

Economics 1011b (preferably) or 1010b (Knowledge of basic calculus will be assumed.)

Background Texts: (On reserve at Lamont Library, and available for purchase at the COOP)

● *Foundations of International Macroeconomics*, by Maurice Obstfeld and Kenneth Rogoff, MIT Press, 1996.

● *This Time Is Different: Eight Centuries of Financial Folly*, by Carmen Reinhart and Kenneth Rogoff, Princeton University Press, 2009, (selected chapters).

Readings:

Readings can be accessed online or are available on Reserve at Lamont Library.

Primary readings are denoted by an * symbol. Supplementary readings will be summarized in class but are not required.

Problem Sets:

Students are encouraged to work with others on the problem sets, and it is permissible to hand in a single answer sheet for up to three students, with all three receiving the same group grade.

Course Requirements:

- Midterm: Wednesday October 14 (in-class, closed book; but exam will provide most of the basic formulas you might require, to lessen need for memorization). Analytical problems on the exam will closely parallel material covered in problem sets (but will generally require much less algebra), and the essay problem will relate to a central topic covered extensively in class.
- Final: The final will have a larger essay component than the mid-term. The final will draw on the entire course, though any technical material on the final will be closely related to material covered in Problem Set III.
- Short policy paper: You will be asked to write a short policy paper on a topic drawn from a list of questions relating to reform of the international monetary system. A one-page outline of your paper is due on Wednesday, October 28 or before my first meeting with your group, whichever is earlier, and the complete paper is due on Monday November 16. These papers will form the basis for class discussions and (depending on class size) in-class presentations during the final four meetings of the class. The papers are intended to be short and succinct—there is an absolute total page limit of 10 double-spaced (12 pt.) pages (roughly 2500 words): Only figures and references are excluded in this limit. *The papers do not need to include any formal analytical or econometric analysis*; you may write them in a style you find suitable to the question you are addressing. The final exam will include (a choice of) essay questions relating to the paper topics that you and your classmates have chosen.
- Problems: There will be 3 problem sets, due Sept 14, Oct. 5 and Nov 16.

Grades:

Problems: 10%, Mid-term: 20%, Final: 35%, Paper: 35%

Topics

I. MODELS OF EXCHANGE RATES

*Rogoff, Kenneth, "Dornbusch's Overshooting Model After Twenty-Five Years," IMF Staff Papers 49, Special Issue, 2002 (35 pages). (This link is to a slightly earlier version that will give you a higher quality printout.)

*Obstfeld and Rogoff: pp. 513-530.

Frankel, Jeffrey, and Andrew Rose, 1995, "Empirical Research on Nominal Exchange Rates," in G Grossman and K Rogoff (eds), *Handbook of International Economics*, vol. 3 (Elsevier).

Rogoff, Kenneth and Vania Stavrakeva, "The Continuing Puzzle of Short-Horizon Exchange Rate Forecasting," manuscript, Harvard University, July 30, 2008.

II. THE PURCHASING POWER PARITY PUZZLE AND RELATED PUZZLES

*Kenneth Rogoff, "The Purchasing Power Parity Puzzle," *Journal of Economic Literature* 34, June 1996, 647-68.

*Obstfeld and Rogoff: pp. 199-225.

Imbs, Jean, Haroon Mumtaz, Morton O. Ravn, and Helene Rey, "PPP Strikes Back: Aggregation and the Real Exchange Rate," *Quarterly Journal of Economics* 120(1): 1–43.

Goldberg, Penny K. and Michael Knetter, "Goods Prices and Exchange Rates: What Have We Learned?" *Journal of Economic Literature* 35 (September 1997): 1243–72.

Taylor, Alan, M., "Potential Pitfalls for the Purchasing-Power Parity Puzzle? Sampling and Specification Biases in Mean-Reversion Tests of the Law of One Price," *Econometrica* 69(2) (March 2001): 473-98.

Reidel, Demian and Jan Szilagyi, "A Biased View of PPP," manuscript, Harvard University, February 2005.

*Gopinath, Gita and Ricardo Rigobon, "Sticky Borders," *Quarterly Journal of Economics* 123(2): 531–575.

III. SPECULATIVE EXCHANGE RATE ATTACKS

Basic models and empirical issues: Salant–Henderson–Krugman model, multiple equilibria ("generation 2").

*Obstfeld and Rogoff: pp. 558-567, 635-638, 648-653.

IV. BANK RUNS AND THE PERSISTENCE OF THE GREAT DEPRESSION

*Diamond, Douglas and Philip H. Dybvig, "Bank Runs, Deposit Insurance, and Liquidity," *Journal of Political Economy* 91(3): 401-19, June 1983.

*Bernanke, Ben, "Nonmonetary Effects of the Financial Crisis in the Propagation of the Great Depression," *American Economic Review* 73 (June 1983): 257-76.

Cole, Harold and Lee Ohanian, "New Deal Policies and the Persistence of the Great Depression," *Journal of Political Economy*, 112(4) August, 2004, 779-816.

Eggertsson, Gauti, "Great Expectations and the End of the Great Depression," *American Economic Review* 98, September 2008, 1476-1516.

Bernanke, Ben S. *Essays on the Great Depression*. Princeton University Press, 2000.

Gorton, Gary and Andrew Metrick, "Securitized Banking and the Run on Repo," Yale ICF Working Paper No. 09-14.

Gorton, Gary and Andrew Metrick, "Haircuts," Yale ICF Working Paper No. 09-15.

Also: International transmission of the Great Depression via faults in the inter-war gold standard.

*Obstfeld and Rogoff: pp. 626-630.

*Eichengreen, Barry and Jeffrey Sachs, "Exchange Rates and Economic Recovery in the 1930s," *Journal of Economic History*, vol. XLV, no. 4, December 1985, also NBER working paper 1498, May 1986.

V. PERFORMANCE OF EXCHANGE RATE REGIMES

*Rose, Andrew, "One Money, One Market: Estimating the Effects of a Common Currency on Trade," *Economic Policy* 15(30), April 2000, 7–45.

Klein, Michael W. and Jay C. Shambaugh, "Fixed Exchange Rates and Trade," NBER Working Paper 10696, August 2004.

*Husain, Aasim, Ashoka Mody, and Kenneth Rogoff, "Exchange Rate Durability and Performance in Developing versus Advanced Economies," *Journal of Monetary Economics* 52 (January 2005), 35-64. (Click on Digital Object Identifier (DOI).)

Baldwin, Richard, Di Nino, Virginia, Fontagne, Lionel, De Santis, Roberto, and Taglioni, Daira, "Study on the Impact of the Euro on Trade and Foreign Direct Investment," *European Economic and Monetary Union Working Paper No. 321*, May 2008. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1163774

Frankel, Jeffrey, "The Estimated Effects of the Euro on Trade: Why Are They Below Historical Effects of Monetary Unions Among Smaller Countries?" NBER working paper 14542 (December 2008).

Tenreyro, Silvana, "Currency Unions in Prospect and Retrospect," manuscript, London School of Economics and Political Science, October 2009

VI. GLOBAL CURRENT ACCOUNT IMBALANCES

*Obstfeld and Rogoff: pp. 1-84.

*Obstfeld, Maurice and Kenneth Rogoff, "The Unsustainable US Current Account Position Revisited," in Richard Clarida (ed.), *G7 Current Account Imbalances: Sustainability and Adjustment*, University of Chicago Press, 2007 (with revisions).

Gourinchas, Pierre-Olivier and Helene Rey, 2007, "International Financial Adjustment," *Journal of Political Economy* 115(4), 665-703.

*Cooper, Richard, "Global Imbalances: Globalization, Demography, and Sustainability," *Journal of Economic Perspectives*, 2008, Issue 3, 93-112.

Dooley, Michael P., Peter Garber and David Folkerts Landau, "The Revived Bretton Woods System: The Effects of Periphery Intervention and Reserve Management on Interest Rates & Exchange Rates in Center Countries," NBER Working Paper 10332, March 2004.

VII. GLOBAL CAPITAL MARKET INTEGRATION: ADVANCED COUNTRIES

*Obstfeld, Maurice and Kenneth Rogoff, "The Six Major Puzzles in International Macroeconomics: Is There a Common Cause?" in Ben Bernanke and Kenneth Rogoff (eds.), *NBER Macroeconomics Annual 2000* (Cambridge: MIT Press), pp. 339-390 (Comments 390-412). Lecture notes.

*Obstfeld and Rogoff: pp. 161-164.

Guo, Kai, "Exchange Rates and Asset Prices in An Open Economy with Rare Disasters," mimeo, Harvard University, October 2007.

VIII. GLOBAL CAPITAL MARKET INTEGRATION: DEVELOPING COUNTRIES

*Kose, M. Ayhan, Eswar Prasad, Kenneth Rogoff and Shang-Jin Wei, "Financial Globalization, A Reappraisal," December 2006 (revised version of International Monetary Fund, Working Paper WP/06/189, August 2006).

IX. WHY MONEY FLOWS FROM NORTH TO SOUTH

*Moral Hazard: Obstfeld and Rogoff: pp. 407- 419.

Externalities to Human Capital: Robert E. Lucas, 1988, "Why Doesn't Capital Flow from Rich to Poor Countries," *American Economic Review*, May 1990, pp. 92-96.

Alfaro, Laura, Sebnem Kalemli-Ozcan, Vadym Volosovych, "Why Doesn't Capital Flow from Rich to Poor Countries? An Empirical Investigation," NBER working paper 11901, December 2005.

X. JAPAN'S DEFLATION TRAP

*Krugman, Paul, "It's Baaack: Japan's Slump and the Return of the Liquidity Trap," *Brookings Papers on Macroeconomic Activity,* 1998, v2, 137-205. (including comment by Dominguez and Rogoff) (N.B.: Our focus will be on the analytics as covered in the HANDOUT).

Eggertsson, Gauti B. and Michael Woodford, "The Zero Bound on Interest Rates and Optimal Monetary Policy," *Brookings Papers on Economic Activity* 34 (2003), volume 1, 139-235

XI. INTERNATIONAL FINANCIAL CRISES

*Reinhart, Carmen and Kenneth Rogoff, "Is the 2007 US Sub-Prime Financial Crisis So Different? An International Historical Comparison," *American Economic Review* 98 (May 2008): 339-344.

*Reinhart, Carmen and Kenneth Rogoff, "The Aftermath of Financial Crises," *American Economic Review* 99 (May 2009): 466-472.

*Reinhart, Carmen and Kenneth Rogoff, *This Time Is Different: Eight Centuries of Financial Folly*, Princeton University Press, 2009, (selected chapters).

Reinhart, Carmen and Kenneth Rogoff, "Banking Crises: An Equal Opportunity Menace, manuscript, Harvard University, December 2008.

*Allen, Franklin, and Douglas Gale, *Understanding Financial Crises*, Oxford: Oxford University Press, 2007, ch 3.

Geanakoplos, John, "The Leverage Cycle," forthcoming in *NBER Macroeconomics Annual 2009*, Daron Acemoglu, Kenneth Rogoff, and Michael Woodford (eds), April 10, 2009.

Bolton, Patrick, Tony Santos and Jose Scheinkman, "Inside and Outside Liquidity," mimeo, Princeton University, March 30, 2009,

Diamond, Douglas and Raghuram Rajan, "Liquidity Shortages and Banking Crises," NBER working paper 10071, October 2003.

Bolton, Patrick, and Mathias Dewatripont, *Contract Theory*, Cambridge: MIT Press. 2005, pp. 397-418.

Gorton, Gary, "Slapped in the Face by the Invisible Hand: Banking and the Panic of 2007," mimeo, Yale University, April 3, 2007. http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=17513

XII. OIL AND THE GLOBAL ECONOMY

*Dvir, Eyal and Kenneth Rogoff, "The Three Epochs of Oil," mimeo, Harvard University, March 2009.

XIII. MONEY, EXCHANGE RATES AND PRICES: SELECTED TOPICS, SEIGNIORAGE AND COMMODITY CURRENCIES

Lecture notes on "Money, Inflation, and Exchange Rates."

SECTION II: Paper Topics

BACKGROUND READINGS

1. Should Sweden enter the euro system with four years?

Reade, J.J. and U. Volz (2009a), Too Much to Lose, or More to Gain? Should Sweden Join the Euro?, Economics Series Working Papers 442, Department of Economics, University of Oxford, Oxford.

Also see shorter Voxeu essay, Reade, J. James and Ulrich Volze, "Should Sweden join the eurozone?" http://www.voxeu.org/index.php?q=node/3955

Grahn, Ralf (2009): 'Swedish opinion on euro turns', Grahnlaw Blogspot, 19 April

Calmfors, L., H. Flam, N. Gottfries, M. Jerneck, R. Lindahl, J. Haaland Matlary, C. Nordh Berntsson, E. Rabinowicz and A. Vredin (1997), *EMU: A Swedish Perspective*, Kluwer Academic Publishers, Boston, Dordrecht and London.

Baldwin, R, (2006), "In or Out? Does it Matter? An Evidence Based Analysis of the Euro's Trade Effects," Center for Economic Policy Research, London.

Ferreira-Lopes, A, (2008), "In or Out?" The Welfare Costs of EMU membership," Economic Research Center Working paper 14/08, ISCTE, Lisbon University Institute

Soderstrum, U (2008), "Re-evaluating Swedish Membership in EMU: Evidence from an Estimated Model," NBER Working Paper 14519.

Vaubel, R, (2004), "A Critical Analysis of EMU and of Sweden Joining It," in J. Ljungberg (ed), *The Price of the Euro*, Palgrave Macmillan, NY, 87-95

European Commission on Economic and Financial Affairs, "Sweden and the Euro: A Factsheet," http://ec.europa.eu/economy_finance/the_euro/your_country_euro9164_en.htm

HM Treasury, *UK Membership in the Single Currency: An assessment of the five economic tests,* June 2003 (246 pages).

Lucrezia Reichlin and Giancarlo Corsetti, "Should the UK join the euro?" *The Edge* 11 (November 2002): 22-25. A PDF file of the magazine is available at http://www.sais-jhu.edu/faculty/sandleris/IMT/Readings/R_Reichlin_ShouldUKjointheEuro.pdf

Buti, Marco and Vitor Gaspar, The First Ten Years of the Euro, VOX, December 2008.

Frankel, Jeffrey, The Euro at ten: Why do effects on trade between members appear smaller than historical estimates among smaller countries? Dec 2008

The Single Market and the Euro

Philip Lane, "The Real Effects of Monetary Union," (2006) *Journal of Economic Perspectives* 20(4): 47-66.

Frankel, Jeffrey, "The Estimated Effects of the Euro on Trade: Why Are They Below Historical Effects of Monetary Unions Among Smaller Countries?" NBER working paper 14542, December 2008

Buiter, Willem, "Why the United Kingdom Should Join the Eurozone," forthcoming *International Finance* 2008 (Also at NBER.)

Tenreyro, Silvana, "Currency Unions in Prospect and Retrospect," manuscript, London School of Economics and Political Science, October 2009

2. The US has significant risk (30% or greater) of experiencing pronounced Japan-like symptoms over the next 5-10 years: especially much lower medium term growth than before the crisis, soaring budget deficits, more frequent than usual recessions.

Giannetti, Mariassunta and Andrei Simonov (2009). "On the real effects of bank bailouts: Micro-Evidence from Japan," EFA 2009 Bergen Meetings, June.

Mariassunta Giannetti Andrei Simonov, The real effects of bank bailouts: Evidence from Japan, Voxeu http://www.voxeu.org/index.php?q=node/4011

Keiichiro Kobayashi, The G20's Blind Spot: President Obama must squarely face the bad asset problem, March 26, 2009

Hoshi, Takeo and Anil K. Kashyap, 2008, "Will the U.S. Bank Recapitalization Succeed? Lessons from Japan", NBER Working Paper 14401.

Adam Posen, "Seven Reasons the US Today is Not Like Japan 15 Years Ago," Institute for International Economics, September, 2008 http://www.iie.com/realtime/?p=20

Maurice Obstfeld, "Time of Troubles: The Yen and Japan's Economy, 1985-2008" NBER Working paper 14816, March 2009

3. The G-20 is right to focus on containing global (current account) imbalances to well below their pre-crisis levels (say to roughly half or less within four years). US must achieve higher national savings rate, if necessary substantially strengthening financial regulation and oversight. China must allow its exchange rate to significantly appreciate over time, and redirect production towards domestic demand instead of exports.

Obsteld, Maurice and Kenneth Rogoff, "Global Imbalances and the Financial Crisis: Products of Common Causes," Harvard University, October 13, 2009.

Cooper, Richard, "Global Imbalances: Globalization, Demography, and Sustainability," *Journal of Economic Perspectives*, 2008, Issue 3, 93-112.

Michael P. Dooley, David Folkerts-Landau, Peter Garber, "The Revived Bretton Woods System: The Effects of Periphery Intervention and Reserve Management on Interest Rates & Exchange Rates in Center Countries," NBER Working Paper 10332, March 2004.

Michael P. Dooley, David Folkerts-Landau, Peter Garber, "An Essay on the Revived Bretton Woods System," NBER Working Paper 9971, September 2003.

Prasad, Eswar and Raghu Rajan, "A Pragmatic Approach to Capital Account Liberalization," working paper, Cornell University, 2008

Goldstein, Morris, "A (Lack of) Progress Report on China's Exchange Rate Policies," Working Paper 07-5, Peterson Institute, June 2007.

Policy Brief 07-4: Global Imbalances: Time for Action, Peterson Institute for International Economics.

Lardy, Nicholas R., China: Toward a Consumption-Driven Growth Path, Policy Brief 06-6, Peterson Institute, October 2006.

Goldstein, Morris, and Nicholas Lardy, *Debating China's Exchange Rate Policy,* Peterson Institute for International Economics, 2008 (**This book has an excellent collection of topical articles)** (**Also available in hard copy at Harvard libraries.**)

Cline, William, and John Williamson, "Equilibrium exchange rates," Voxeu, April 2009. http://www.voxeu.org/index.php?q=node/3666

Date: Friday, March 4 2011 07:03 PM
Subject: Re:
From: R. Couri Hay <[redacted]>
To: jeevacation@gmail.com;

Good morning Jeffery,

The Newsweek story is being written without your input as you read this. Lloyd Grove is not writing the story, he made a few calls but he was taken off the project. This is for Newsweek, the magazine that is on the stands, not the website. It's still 1200 to 1500 words. Alexandra Wolfe needs to turn in a draft of the story by Monday. I've been subtly guiding Alexandra on your behalf, but would really like to formalize this job with your attorneys and then I would really need to give names and numbers of pro Jeffery power brokers for Alexandra to call. She has already called Donald Trump, Leon Black, and Les Wexner among others. I've given her Jonathans number, please let me focus on this before its too late to spin this in your direction. I'm in all afternoon my office number is [redacted]. My cell is: [redacted] My email is[redacted]

Cheers,
Couri

Follow me on Twitter!! RCouriHay1

---Original Message----
From: jeffrey epstein <jeevacation@gmail.com>
To: R. Couri Hay <[redacted]>
Sent: Tue, Mar 1, 2011 6:34 pm
Subject: Re: Re:

I was told it was lloyd grove Not true?

Sorry for all the typos .Sent from my iPhone
On Mar 1, 2011, at 3:16 PM, "R. Couri Hay" <[redacted] wrote:

> Hi Jeffrey
> I hope I'm not bothering you, but this is information I think you need to know. Tina Brown has assigned a 1200 to 1500 word story with pictures about you for Newsweek and the deadline is next Wednesday. My good friend Alexandra Wolfe is writing the story; she called me within an hour of getting this assignment. If you hire me I feel confident that I can positively affect this feature on your behalf. That does not mean I can control it completely or that they won't reference past problems. However, I can assure you that the story will be fair and balanced and that your side will be represented intelligently. The story will be about your reemergence in New York post your previous problems. The party you gave for Prince Andrew will be a big part of it. I suggest we arrange for interviews with figures who have seen the good things that you have done in business, science, and philanthropy. I'll be home after 7:30 tonight. My home number is[redacted], or you can call my cell at [redacted]. I will also be in tomorrow morning. I suggest you act swiftly in this matter. As I told you when we first met this story wont go away and you need to take positive steps to change your image.
> Cheers,
> Couri
>
> Follow me on Twitter!! RCouriHay1

=

From: Jay Lefkowitz [redacted]
Sent: 3/8/2011 4:40:35 PM
To: Michael S. Sitrick [redacted]; Jeffrey Epstein [jeevacation@gmail.com]
Subject: Fw:

Importance: High

Privileged - Redacted

----- Original Message -----
From: Jay Lefkowitz
Sent: 03/08/2011 10:39 AM CST
To: "Wolfe, Alexandra" [redacted]
Subject: Re:

Alexandra,

I have not been able to respond to your questions because Mr. Epstein is traveling.

But if you plan to make any factual assertions about him in your article, I hope you will run the facts by me, as you said yesterday you would do.

Mr. Epstein has been the subject of many inaccurate and misleading articles, and I am sure Newsweek would not want to make such a mistake or worse, libel him.

Best,

Jay

----- Original Message -----
From: "Wolfe, Alexandra" [redacted]
Sent: 03/07/2011 02:04 PM EST
To: Jay Lefkowitz
Subject: RE:

Dear Mr. Lefkowitz,

Here are the questions I'd like to ask Jeffrey Epstein. Would he be available to answer any of these on the phone or by email? People have told me some of his thoughts on background but I wanted to see if he could tell me or email me anything directly I could use on the record. Also I'd like to run the information I already have by you or him.

Thank you,
Alexandra

-What is he chiefly focusing on now? Is he spending more time on The Jeffrey Epstein Science Foundation? Could he talk about his interest in science and the 2011 grants/conference?
-How has his business been affected? Is there any new direction he's taking it? Does he still have the same clients or new ones? Is it still at $15 billion?
-Did he still work while in prison? How was that arranged? With whom was he working/advising?
-Where is he spending his time now? How has his social life changed from three years ago?
-Is he still close with Ghislaine Maxwell?
-What were friends/colleagues/acquaintances reactions to his conviction?
-What does he think about the sentence he got- was it too lenient or too harsh and why?
-What is his side of the story and have people been supportive?
-Is he continuing the charity initiatives he started with Bill Clinton, etc?

-----Original Message-----
From: Jay Lefkowitz [redacted]
Sent: Mon 3/7/2011 12:18 PM
To: Wolfe, Alexandra
Subject:

Dear Ms. Wolfe,

I understand you have some questions about my client, Jeffrey Epstein. Given that much of the press coverage surrounding Mr. Epstein has been inaccurate and in some instances, defamatory, I would like to suggest that you send me any facutal questions so that I can provide you with accurate responses.

I am also available to speak with you. My number is [redacted]

Thank you,

Jay

****
The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.
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The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.
****

From: Jay Lefkowitz [redacted]
Sent: 3/8/2011 4:41:04 PM
To: Michael S. Sitrick [redacted]; Jeffrey Epstein [jeevacation@gmail.com]
Subject: Fw: Alexandra Wolfe called from Newsweek

Importance: High

----- Original Message -----
From: Kristin Andersen
Sent: 03/08/2011 11:09 AM EST
To: Jay Lefkowitz
Subject: Alexandra Wolfe called from Newsweek

Privileged - Redacted

----- Forwarded by Kristin Andersen/New York/Kirkland-Ellis on 03/08/2011 11:05 AM -----

"Wolfe, Alexandra " [redacted]	"Jay Lefkowitz" [redacted]	To
		cc
03/07/2011 02:09 PM	RE:	Subject

Dear Mr. Lefkowitz,

Here are the questions I'd like to ask Jeffrey Epstein. Would he be available to answer any of these on the phone or by email? People have told me some of his thoughts on background but I wanted to see if he could tell me or email me anything directly I could use on the record. Also I'd like to run the information I already have by you or him.

Thank you,
Alexandra

-What is he chiefly focusing on now? Is he spending more time on The Jeffrey Epstein Science Foundation? Could he talk about his interest in science and the 2011 grants/conference?
-How has his business been affected? Is there any new direction he's taking it? Does he still have the same clients or new ones? Is it still at $15 billion?
-Did he still work while in prison? How was that arranged? With whom was he working/advising?
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-Is he still close with Ghislaine Maxwell?
-What were friends/colleagues/acquaintances reactions to his conviction?
-What does he think about the sentence he got- was it

too lenient or too harsh and why?
-What is his side of the story and have people been supportive?
-Is he continuing the charity initiatives he started with Bill Clinton, etc?

-----Original Message-----
From: Jay Lefkowitz [mailto:[redacted]]
Sent: Mon 3/7/2011 12:18 PM
To: Wolfe, Alexandra
Subject:

Dear Ms. Wolfe,

I understand you have some questions about my client, Jeffrey Epstein. Given that much of the press coverage surrounding Mr. Epstein has been inaccurate and in some instances, defamatory, I would like to suggest that you send me any facutal questions so that I can provide you with accurate responses.

I am also available to speak with you. My number is [redacted].

Thank you,

Jay

****

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Date: Monday, August 26 2013 02:46 PM
Subject: FW: Press Snapshot: Monday, August 26th, 2013
From: Boris Nikolic <[redacted]
To: Jeffrey Epstein <jeevacation@gmail.com>;
Attachments: image001.jpg; image002.jpg

See good article re balmer below.

Still awaiting for call reply

Sent from my Windows Phone

From: John Pinette
Sent: 8/26/2013 4:17 PM
To: Bill Gates
Cc: DL-Press Snapshot
Subject: Press Snapshot: Monday, August 26th, 2013

bgC3 Press Snapshot

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ARTICLE TEXT

Energy – Full text articles

Nuclear Operator Raises Alarm on Crisis
Hiroko Tabuchi – **New York Times**

The operator of Japan's tsunami-hit nuclear power plant sounded the alarm on the gravity of the deepening crisis of containment at the coastal site on Friday, saying that there are more than 200,000 tons of radioactive water in makeshift tanks vulnerable to leaks, with no reliable way to check on them or anywhere to transfer the water.

The latest disclosures add to a long list of recent accidents, leaks and breakdowns that have underscored grave vulnerabilities at the Fukushima Daiichi nuclear power plant site more than two years after a powerful earthquake and tsunami set off meltdowns at three reactors.

They come two weeks after the prime minister, Shinzo Abe, promised that his government would take a more active role in the site's cleanup, raising questions over how seriously he has taken that pledge. Mr. Abe's government has continued to push for a restart of the country's nuclear power program, and he heads to the Middle East on Saturday to promote Japanese exports to the region, including nuclear technology.

Mr. Abe also plans to lead Tokyo's delegation to Argentina for the International Olympic Committee's final vote, set for Sept. 7, on the host city for the 2020 Olympics. Tokyo, 150 miles south of the stricken nuclear power plant, is one of three finalists competing to host the games. The others are Istanbul and Madrid.

Opposition lawmakers here have demanded that Mr. Abe stay home and declare a state of emergency.

"The nuclear crisis is real and ongoing, yet the government continues to look the other way," said Yoshiko Kira of the opposition Japan Communist Party, which made significant gains in parliamentary elections last month.

"The government should declare a state of emergency right now, and intervene to stop the outflow of contaminated water," Ms. Kira said at an anti-nuclear rally outside Mr. Abe's office in Tokyo.

Mr. Abe remains popular, and it is uncertain how large a liability the crisis at the Fukushima plant will become for him.

But it has become increasingly clear that the latest problems may be too large for the plant's operator, the Tokyo Electric Power Company, or Tepco, to handle.

Tepco has built nearly 1,000 tanks at the sprawling complex to store as many as 335,000 tons of contaminated water, the product of coolant pumped into the reactors to keep their cores from overheating, and groundwater pouring into their breached basements at a rate of 400 tons a day. This week, Tepco said one tank had sprung a huge leak.

On Friday, Tepco presented an even starker view of the situation, acknowledging that as much as 220,000 tons of that water is stored in makeshift steel tanks similar to the one that is leaking. The operator said the 36-foot-tall cylindrical tanks, meant as a temporary repository for the growing amount of radiated water at the complex, used vulnerable rubber sealing and that their ability to withstand radiation was not tested.

The tanks are susceptible to leaks at the seams and through their concrete base, said Noriyuki Imaizumi, the acting general manager of Tepco's nuclear power division. A nearby drain can carry any leaked water to the sea, Mr. Imaizumi said, and high radiation readings along a section suggest that water has already traveled through the drain to the ocean.

The makeshift tanks also lack water level gauges, making it difficult to detect leaks. Only two workers are assigned to checking nearly 1,000 tanks on two-hour patrols twice a day, Mr. Imaizumi said.

The Nuclear Regulation Authority, which the Japanese government ordered to more actively advise and monitor Tepco's activities at the plant, had told the company to begin transferring the water from the makeshift tanks to better-built vessels. But after visiting the plant on Friday, an authority commissioner, Toyoshi Fuketa, said the vast quantities made doing so quickly "unrealistic."

A series of pits Tepco dug to store some of the water also began leaking earlier this year, forcing workers to transfer the water into the steel tanks.

Experts have said they suspect that more contaminated water is seeping out from under the melted-down reactors into the groundwater and the Pacific. Elevated levels of radioactive cesium in surrounding waters seem to confirm those suspicions.

Tepco has said those leaks are not directly from beneath the reactors, but from maintenance tunnels that run along the coast and remain contaminated from the early days of the disaster.

But it also acknowledges that the water beneath the reactors is extremely contaminated, and experts say that if it does get into the ocean, it will surpass even the leaks that occurred in the disaster's early days.

"That prospect scares me," Michio Aoyama, a senior scientist in the Oceanography and Geochemistry Research Department at the government-affiliated Meteorological Research Institute, said in an interview this month.

"It's the ultimate, worst-case scenario," Professor Aoyama said.

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The New Nuclear Craze
Mark Bittman - **New York Times**

There is a new discussion about nuclear energy, prompted by well-founded concerns about carbon emissions and fueled by a pro-nuclear documentary called "Pandora's Promise." Add a statement by James E. Hansen — who famously sounded the alarm on climate change — and, of course, industry propaganda, and presto: We Love Nukes.

Before we all become pro-nuclear greens, however, you've got to ask three questions: Is nuclear power safe and clean? Is it economical? And are there better alternatives?

No, no and yes. So let's not swap the pending environmental disaster of climate change for another that may be equally risky.

Despite all-out efforts and international cooperation, Fukushima, which scared Germany right out of the nuclear power business, still isn't under control. Proponents of nuclear power promise new and safer technology, but these discussions are filled with "coulds"; no such plants exist. Nor would they reduce the risks of proliferation. (Oh, that little thing.)

Nor would they do much to mitigate the all-too-infrequently discussed dangers of uranium mining, which uses vast amounts of water in the West — an area that can ill afford it — and is barely regulated or even studied. Thousands of uranium mines have been abandoned, and no one seems to know how many remain to be cleaned up. The cost of that cleanup, of course, will be borne by taxpayers, not industry.

Then there's disposal of spent fuel, which is not contained at the same safety level as active fuel, itself a scary thought. Decades into the nuclear age there remains, incredibly, no real plan for this; a patchwork scheme by the Nuclear Regulatory Commission, which appears to be even more industry-friendly than most federal agencies, was rejected by an appeals court last year, and the Obama administration is standing by its campaign promise (shocking, I know) to abandon the nuclear repository at Yucca Mountain in Nevada.

The economic viability of nuclear power is no more encouraging. Plants continue to close and generation rates continue to drop. Operators may indeed continue to make money on reactors, but that's only because federal subsidies are enormous. Insurance costs are limited. Loans are guaranteed (the Solyndra loan guarantee was half a billion dollars; in contrast, loan guarantees for new nuclear plants may run $8 billion); cost recovery and return on investment are also assured for decades, and some operators are able to collect costs from ratepayers (and pay dividends to shareholders) years before plants come online — even if they never come online.

So they're economical as long as you're the owner, because historically, subsidies for nuclear power have been more than double the expense of power generation itself. While estimates of the costs of power generation vary wildly — allowing both

proponents and detractors of any given power technology to make their cases — few of them take externalities (costs to the environment or to public health, for example) into account. And nuclear power's externalities could exceed those for any other form of power generation except coal.

That's why we're reducing coal usage — if we had a strong climate policy it would be gone in a couple of deades, and nuclear should be right behind it. It's likely that no new nuclear plants will be built before true renewables are able to take the place of scary, highly damaging energy sources.

Which brings us full circle: the new proponents of nuclear power say that since nuclear power is arguably preferable to coal, maybe we should subsidize the building of new plants.

If those were the only options, maybe that argument would be a sound one. But they're not. Energy efficiency (remember that?), natural gas (imperfect, yes, but improvable) and wind are all cheaper. Even solar is already less expensive than nuclear power in good locations.

Some studies show that renewables can generate 80 percent of our electricity in 2050, using current technologies, while reducing carbon emissions from the electric sector by 80 percent. Climate change fears should be driving not old and disproven technologies but renewable ones, which are more practical. These technologies remain relatively small — non-hydro renewables were around 5 percent of the total last year — but they're growing so fast (wind and solar use have quadrupled in the last five years) that just this week the chairman of the Federal Energy Regulatory Commission predicted that solar power could soon begin to double every two years.

Utilities are afraid that solar power will be to the electrical grid what PCs were to mainframes, or e-mail to the Postal Service: a technology that will simply kill its predecessors. Coal and nuclear power are both doomed, and the profit-making power grid with it. That's all to our benefit.

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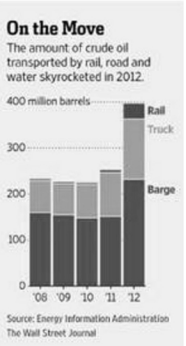
Pipeline-Capacity Squeeze Reroutes Crude Oil
Russell Gold – **Wall Street Journal**

More crude oil is moving around the U.S. on trucks, barges and trains than at any point since the government began keeping records in 1981, as the energy industry devises ways to get around a pipeline-capacity shortage to take petroleum from new wells to refineries.

The improvised approach is creating opportunities for transportation companies even as it strains roads and regulators. And it is a precursor to what may be a larger change: the construction of more than $40 billion in oil pipelines now under way or planned for the next few years, according to energy adviser Wood Mackenzie.

"We are in effect re-plumbing the country," says Curt Anastasio, chief executive of NuStar Energy LP, NS +0.58% a pipeline company in San Antonio. Oil is "flowing in different directions and from new places."



U.S. oil production has reached its highest level in two decades, while imports have fallen dramatically. A system built to import oil and deliver it to coastal refineries has become ill-equipped to handle rising production in Texas, North Dakota and Canada's Alberta province.

"All of the pipes are pointed in the wrong direction," says Harold York, an oil researcher at Wood Mackenzie. "We are turning the last 70 years of oil-industry history in North America on its head, and we are turning it on its head in the next 10 to 15 years."

With oil prices persistently above $100 a barrel, companies drilling new wells don't want to forgo revenue while they wait years for new pipelines. That leaves them with trucks, trains and barges to move an increasing amount of crude.

Oil delivered to refineries by trucks grew 38% from 2011 to 2012, according to the U.S. Energy Information Administration, while crude on barges grew 53% and rail deliveries quadrupled. Although alternatives are growing rapidly, pipelines and oceangoing tankers remain the primary method for delivering crude to refineries.

In the Eagle Ford, a large four-year-old South Texas oil field, production has grown to more than 500,000 barrels a day, from less than 1,000 in 2009, according to state statistics. Getting that torrent out of the sparsely populated region has required modifications to the oil-delivery system.

For example, last year NuStar reversed a 16-inch pipeline built to carry crude imported from Africa and Europe northward from the Port of Corpus Christi. Now, the pipeline flows south, taking delivery from hundreds of trucks that fill up at individual wells. Some of the 175,000 barrels a day moving through the pipe is loaded onto barges at Corpus Christi and towed toward refineries near Houston.

Earlier this year, Phillips 66 began putting some of this crude on ships for a 2,200-mile journey around Florida to its refinery in Linden, N.J.

The heavy trucks moving Eagle Ford crude are causing headaches for residents and local officials, ripping up roads and causing traffic tie-ups.

"These are rural roads built for 10 cars an hour, and now it's 100 vehicles an hour, and 75 of them are 80,000-pound trucks," says Tom Voelkel, president of Dupre Logistics LLC. The Lafayette, La., company started hauling crude in Eagle Ford in November 2011 and has more than 100 drivers full time in the region.

The Texas Legislature appropriated $450 million this year to repair and improve roads in oil-producing counties. "It doesn't even begin to reach where it needs to reach," says Daryl Fowler, the chief elected county official in Cuero, Texas, about a hundred miles southeast of San Antonio.

"We've seen a fourfold increase in congestion around here," he says. "The roads are crumbling."

In July, the Texas transportation department decided to convert 83 miles of state road in six oil-boom counties from pavement to gravel, to reduce repair costs and slow traffic.

Trucks filled with Eagle Ford crude are also heading 100 miles west to a barge canal. The first barge of crude departed in September 2011, heading south toward the Gulf of Mexico and refineries near Houston. Now the canal moves 1.6 million barrels a month, says Jennifer Stastny, executive director of the Port of Victoria.

"It's like putting your 5-year-old to bed one night and he wakes up the next morning as a 16-year-old, with the appetite and demands of a 16-year-old," she says.

In North Dakota, trains move 69% of the state's 800,000 barrels a day of crude, according to state figures. Energy companies say they value rail's ability to deliver crude to the highest-paying markets.

But the deadly runaway crude train crash in Canada's Quebec province in July, which incinerated a small town and killed at least 47 people, highlighted the risks of the mile-long crude trains crisscrossing the country. The U.S. government is imposing new regulations on oil shipments by rail.

Some state regulators wonder if their local efforts leave them prepared for a train accident, in part because federal railroad rules pre-empt state and local control over trains.

In Washington state, "we can't say [to train operators] you have to have oil-spill contingency plans in order to operate," says Curt Hart, a spokesman for the state's Department of Ecology. "We do that for oil tankers, barges, large commercial vessels and refineries."

Home to five refineries, the state levies a per-barrel tax on crude delivered by tankers and barges, which pays for spill-response officials and inspectors. The tax doesn't apply to rail shipments.

The American Association of Railroads says it is prepared for growing crude shipments because it has long carried hazardous cargoes. In 2008, major U.S. railroads carried 9,500 carloads of crude, the association says, and are on pace this year to carry 389,000.

Most industry analysts believe that while crude on trains will last, truck and barge traffic will decline once new pipelines come into service.

Environmental groups have criticized some pipeline projects, including the Keystone XL, meant to move Canadian oil to Gulf Coast refineries. The federal government is still studying the Keystone pipeline and has yet to issue needed permits.

Steve Kean, president and chief operating officer of Kinder Morgan Inc., KMI +0.30% one of several interrelated companies that own or operate 82,000 miles of North American pipeline, says government agencies thoroughly vet new projects.

Falling imports, infrastructure investments and increased manufacturing are just some of the benefits of newly abundant energy supplies, he says. "This has got to be one of the best things that has happened in our economy in the past 10 years. It is better than the iPad."

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U.S. Electrical Grid on the Edge of Failure
Jeff Tollefson – **Nature**

Facebook can lose a few users and remain a perfectly stable network, but where the national grid is concerned simple geography dictates that it is always just a few transmission lines from collapse.

That is according to a mathematical study of spatial networks by physicists in Israel and the United States. Study co-author Shlomo Havlin of Bar-Ilan University in Ramat-Gan, Israel, says that the research builds on earlier work by incorporating a more explicit analysis of how the spatial nature of physical networks affects their fundamental stability. The upshot,

published today in Nature Physics, is that spatial networks are necessarily dependent on any number of critical nodes whose failure can lead to abrupt — and unpredictable — collapse1.

The electric grid, which operates as a series of networks that are defined by geography, is a prime example, says Havlin. "Whenever you have such dependencies in the system, failure in one place leads to failure in another place, which cascades into collapse."

The warning comes ten years after a blackout that crippled parts of the midwest and northeastern United States and parts of Canada. In that case, a series of errors resulted in the loss of three transmission lines in Ohio over the course of about an hour. Once the third line went down, the outage cascaded towards the coast, cutting power to some 50 million people. Havlin says that this outage is an example of the inherent instability his study describes, but others question whether the team's conclusions can really be extrapolated to the real world.

"I suppose I should be open-minded to new research, but I'm not convinced," says Jeff Dagle, an electrical engineer at the Pacific Northwest National Laboratory in Richland, Washington, who served on the government task force that investigated the 2003 outage. "The problem is that this doesn't reflect the physics of how the power grid operates."
Critical order

Havlin and his colleagues focused on idealized scenarios. They found that randomly structured networks — such as social networks — degrade slowly as nodes are removed, which in the real world might mean there is time to diagnose and address a problem before a system collapses. By contrast, the connections of orderly lattice structures have more critical nodes, which increase the instability. The problem is that such orderly networks are always operating near an indefinable edge, Havlin says. To reduce that risk, he recommends adding a small number of longer transmission lines that provide short cuts to different parts of the grid.

Benjamin Carreras, a physicist at Oak Ridge National Laboratory in Tennessee who has conducted similar work2, says that network theory can be useful for providing insight into electric grids but must be complemented with more complex models that attempt to represent both the physical realities and the responsiveness of the modern electric grid. Although in some cases adding long lines can benefit the overall stability of an electric system, Carreras' work suggests that in certain circumstances such an approach allows problems to propagate even farther.

"More connections may stabilize some processes, by, for instance, increasing the number of paths to generators, but also may destabilize others," Carreras says. "One cannot make generic statements on this topic."

Although local outages caused by falling trees knocking down distribution lines are common, large-scale failures within the core ne transmission lines rarely occur on a modern electric grid. Before 2003, the last major blackout in the United States had been on the west coast in 1996, and more recently an outage has struck in the San Diego area.

Dagle says that the 2003 blackout stemmed from a combination of bad vegetation management — the first three lines tripped after sagging into trees but were all within their load rating — and a series of monitoring and communications breakdowns. Vegetation requirements have since been standardized, and a new generation of sensors is providing grid operators with more information about what is happening across the grid at any given moment.

"Many more utilities have much more data," Dagle says. "The next phase of our voyage is to make better use of that data."

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Technology – Full text articles

Ballmer Departure From Microsoft Was More Sudden Than Portrayed by the Company
Kara Swisher – **All Things D**

According to sources close to the situation, the departure of CEO Steve Ballmer from Microsoft last week was more sudden than was depicted by the company in its announcement that he would be retiring within the next year in a planned smooth transition.

It was neither planned nor as smooth as portrayed.

While the decision to go seems to have technically been Ballmer's, interviews with dozens of people inside and outside the company, including many close to the situation, indicate that he had not aimed to leave this soon and especially after the recent restructuring of the company that he had intensely planned.

Instead, sources said Ballmer's timeline had been moved up drastically — first by him and then the nine-member board, including his longtime partner and Microsoft co-founder and chairman Bill Gates — after all agreed that it was best if he left sooner than later.

That was due to a number of increasingly problematic issues on the immediate horizon — including a potentially nasty proxy fight, continued business performance declines and, perhaps most of all, that Ballmer's leadership was becoming a very obvious lightning rod.

Interestingly, Ballmer actually indicated that he had planned on staying in his letter about his impending departure, noting: "My original thoughts on timing would have had my retirement happen in the middle of our transformation to a devices and services company focused on empowering customers in the activities they value most."

That sentence spurred much chatter inside the company, including the persistent rumor that Gates had dropped the bomb on Ballmer. That sentiment was further underscored when Ballmer's letter contained no reference or thanks to Gates, with whom he has been tightly tethered over the last several decades. Its absence has been much discussed internally at Microsoft, where it has been seen as an unusual slight and a sign of a rift.

Gates also did not reference his longtime business partner in any celebratory manner in Microsoft's announcement. "As a member of the succession planning committee, I'll work closely with the other members of the board to identify a great new CEO," said Gates, in the entirety of the quote about Ballmer's retirement. "We're fortunate to have Steve in his role until the new CEO assumes these duties."

Other sources cautioned that it was not indicative of tensions between the pair, but was done to minimize "lame duck concerns" that might arise if Ballmer was portrayed as already out the door.

Those sources also insist that Gates never asked Ballmer to step down sooner, although they acknowledge that he also did not — as Gates had in the past — disagree that it was best that he move on.

"Did Gates instigate it? No," said one source with knowledge of the situation. "But was he as supportive of Ballmer as he had been in the past? Maybe not."

That was still a big change, of course. Gates — who has always been and remains the key decision-maker on Microsoft's board — had always been Ballmer's major backer, despite increasing pressure both externally and from other directors for him to step down.

Gates had rejected such suggestions for years. That included former director and Netflix CEO Reed Hastings, who many sources said had been one of the first to urge that the company replace Ballmer as CEO, as well as from a spate of Wall Street investors complaining about the company's declining value in the Ballmer years.

As AllThingsD's John Paczkowski wrote on Friday: "Here's one metric by which Ballmer will be judged harshly. On the last day of 1999, the day before he took over as CEO, Microsoft's market capitalization was $600 billion. On the day before he announced his intention to retire, it was less than $270 billion."

That's a damning number, of course, coupled with a widespread sentiment that Ballmer had missed critical trends in tech under his tenure. Despite a strong growth in revenue, investors and others had long concluded that Microsoft had thrived when Gates was CEO and waned under Ballmer's rule.

Still, until recently, there has been no signal from the company indicating any change in top leadership. In fact, the management reorganization backed strongly by the board a month ago had essentially placed Ballmer at the center of the structure under a plan described as "One Microsoft."

And, at the time of the restructuring announcement in July, Ballmer's definite and clear message was that he was there to stay:

"Lots of change. But in all of this, many key things remains the same. Our incredible people, our spirit, our commitment, our belief in the transformative power of technology — our Microsoft technology — to make the world a better place for billions of people and millions of businesses around the world. It's why I come to work inspired every day. It's why we've evolved before, and why we're evolving now. Because we're not done. Let's go."

Though early in its rollout, the changes have been jarring and created a level of chaos at the company that has led to much grumbling internally. It also did not help that the restructuring was quickly followed by a dismal Q4 performance by Microsoft.

As I wrote in mid-July: "Microsoft had a bad fourth quarter, mostly because many people are not using PCs any more. In addition, the tech giant took a $900 million charge related to having to cut the price of its Surface RT tablet, which had — as you might imagine — an impact on results. Missed profit expectations, missed revenue, missed all over the ying-yang."

With the prospect that the next quarter could be weaker still and with numerous reports of late that there has been slowing of adoption from its new flagship Windows 8 offering, Ballmer and the board finally aligned to move his departure date sooner.

Most critical to that decision, source said, were increased board worries that recent pressure from activist investor ValueAct — which has a large stake in the company — had a good chance of succeeding in its efforts to obtain a seat on the board of Microsoft, especially if Ballmer stayed in place.

And even if the software giant was able to thwart that from happening, said several sources, such a public fight is untenable for the company, since it was likely to attract even more scrutiny to Ballmer's performance and perhaps even more investor action.

ValueAct has until August 30 to notify Microsoft if it plans a proxy battle, and sources said it still wants more that Ballmer's retirement. In talks, said sources, it has asked for an aggressive stock buyback and also a dividend increase, which might assuage its efforts to garner a board seat.

Ballmer denied any pressure from ValueAct specifically in his decision in an interview with the Seattle Times, though sources said that was simply bluster.

And, even with mounting pressure on him, Ballmer definitely portrayed the change as his decision in an interview he gave to ZDNet's Mary Jo Foley last week, after his retirement announcement.

"I would say for me, yeah, I've thought about it for a long time, but the timing became more clear to me over the course of the last few months," he insisted.

When asked if Gates asked him to stay or go, he said no, apparently to both. "Bill respects my decision. I mean, it's one of these things when if it's — you know, ultimately these kinds of things have to be one's own personal decision."

That statement also struck many inside the company as a quick shift. Ballmer, said sources, had been jumping enthusiastically into business review meetings, as part of the new structure, over the last month. In addition, he had expressed to many employees his excitement at being part of the changes he had initiated.

But, in meetings after the announcement, numerous sources inside the company said Ballmer seemed uncharacteristically chastened and quiet, in contrast to his usual confident and forceful manner.

"He was definitely not leaving and then he suddenly was," said one source. "Even if today's Steve made the choice, it was a choice yesterday's Steve did not want to."

Another source, close to the board, perhaps explained it best: "If ValueAct got on the board, I think Ballmer finally realized that meant it was going to be the hard way from then on out until he left and he did not want that for a company he clearly loves and has been his life."

Now, those inside the company are turning to what comes next. While not everyone on the board thought that Ballmer should step down without a new CEO in place, it's moot now as Microsoft turbocharges the process — in place for several years now — to select its next leader.

But, though the committee is headed up by John Thompson, CEO of Virtual Instruments and the former CEO of security software giant Symantec, most expect Gates — as usual — to be the key decision maker on that choice, too.

A Microsoft spokesman declined comment.

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The Decline of E-Empires
Paul Krugman – **New York Times**

Steve Ballmer's surprise announcement that he will be resigning as Microsoft's C.E.O. has set off a huge flood of commentary. Being neither a tech geek nor a management guru, I can't add much on those fronts. I do, however, think I know a bit about economics, and I also read a lot of history. So the Ballmer announcement has me thinking about network externalities and Ibn Khaldun. And thinking about these things, I'd argue, can help ensure that we draw the right lessons from this particular corporate upheaval.

First, about network externalities: Consider the state of the computer industry circa 2000, when Microsoft's share price hit its peak and the company seemed utterly dominant. Remember the T-shirts depicting Bill Gates as a Borg (part of the hive mind from "Star Trek"), with the legend, "Resistance is futile. Prepare to be assimilated"? Remember when Microsoft was at the center of concerns about antitrust enforcement?

The odd thing was that nobody seemed to like Microsoft's products. By all accounts, Apple computers were better than PCs using Windows as their operating system. Yet the vast majority of desktop and laptop computers ran Windows. Why?

The answer, basically, is that everyone used Windows because everyone used Windows. If you had a Windows PC and wanted help, you could ask the guy in the next cubicle, or the tech people downstairs, and have a very good chance of getting the answer you needed. Software was designed to run on PCs; peripheral devices were designed to work with PCs.

That's network externalities in action, and it made Microsoft a monopolist.

The story of how that state of affairs arose is tangled, but I don't think it's too unfair to say that Apple mistakenly believed that ordinary buyers would value its superior quality as much as its own people did. So it charged premium prices, and by the time it realized how many people were choosing cheaper machines that weren't insanely great but did the job, Microsoft's dominance was locked in.

Now, any such discussion brings out the Apple faithful, who insist that anything Windows can do Apple can do better and that only idiots buy PCs. They may be right. But it doesn't matter, because there are many such idiots, myself included. And Windows still dominates the personal computer market.

The trouble for Microsoft came with the rise of new devices whose importance it famously failed to grasp. "There's no chance," declared Mr. Ballmer in 2007, "that the iPhone is going to get any significant market share."

How could Microsoft have been so blind? Here's where Ibn Khaldun comes in. He was a 14th-century Islamic philosopher who basically invented what we would now call the social sciences. And one insight he had, based on the history of his native North Africa, was that there was a rhythm to the rise and fall of dynasties.

Desert tribesmen, he argued, always have more courage and social cohesion than settled, civilized folk, so every once in a while they will sweep in and conquer lands whose rulers have become corrupt and complacent. They create a new dynasty — and, over time, become corrupt and complacent themselves, ready to be overrun by a new set of barbarians.

I don't think it's much of a stretch to apply this story to Microsoft, a company that did so well with its operating-system monopoly that it lost focus, while Apple — still wandering in the wilderness after all those years — was alert to new opportunities. And so the barbarians swept in from the desert.

Sometimes, by the way, barbarians are invited in by a domestic faction seeking a shake-up. This may be what's happening at Yahoo: Marissa Mayer doesn't look much like a fierce Bedouin chieftain, but she's arguably filling the same functional role.

Anyway, the funny thing is that Apple's position in mobile devices now bears a strong resemblance to Microsoft's former position in operating systems. True, Apple produces high-quality products. But they are, by most accounts, little if any better than those of rivals, while selling at premium prices.

So why do people buy them? Network externalities: lots of other people use iWhatevers, there are more apps for iOS than for other systems, so Apple becomes the safe and easy choice. Meet the new boss, same as the old boss.

Is there a policy moral here? Let me make at least a negative case: Even though Microsoft did not, in fact, end up taking over the world, those antitrust concerns weren't misplaced. Microsoft was a monopolist, it did extract a lot of monopoly rents, and it did inhibit innovation. Creative destruction means that monopolies aren't forever, but it doesn't mean that they're harmless while they last. This was true for Microsoft yesterday; it may be true for Apple, or Google, or someone not yet on our radar, tomorrow.

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State Budgets and Healthcare costs – Full text articles

How to Charge $546 for Six Liters of Saltwater
Nina Bernstein – **New York Times**

It is one of the most common components of emergency medicine: an intravenous bag of sterile saltwater.

Luckily for anyone who has ever needed an IV bag to replenish lost fluids or to receive medication, it is also one of the least expensive. The average manufacturer's price, according to government data, has fluctuated in recent years from 44 cents to $1.

Yet there is nothing either cheap or simple about its ultimate cost, as I learned when I tried to trace the commercial path of IV bags from the factory to the veins of more than 100 patients struck by a May 2012 outbreak of food poisoning in upstate New York.

Some of the patients' bills would later include markups of 100 to 200 times the manufacturer's price, not counting separate charges for "IV administration." And on other bills, a bundled charge for "IV therapy" was almost 1,000 times the official cost of the solution.

It is no secret that medical care in the United States is overpriced. But as the tale of the humble IV bag shows all too clearly, it is secrecy that helps keep prices high: hidden in the underbrush of transactions among multiple buyers and sellers, and in the hieroglyphics of hospital bills.

At every step from manufacturer to patient, there are confidential deals among the major players, including drug companies, purchasing organizations and distributors, and insurers. These deals so obscure prices and profits that even participants cannot say what the simplest component of care actually costs, let alone what it should cost.

And that leaves taxpayers and patients alike with an inflated bottom line and little or no way to challenge it.

A PRICE IN FLUX

In the food-poisoning case, some of the stricken were affluent, and others barely made ends meet. Some had private insurance; some were covered by government programs like Medicare and Medicaid; and some were uninsured.

In the end, those factors strongly (and sometimes perversely) affected overall charges for treatment, including how much patients were expected to pay out of pocket. But at the beginning, there was the cost of an IV bag of normal saline, one of more than a billion units used in the United States each year.

"People are shocked when they hear that a bag of saline solution costs far less than their cup of coffee in the morning," said Deborah Spak, a spokeswoman for Baxter International, one of three global pharmaceutical companies that make nearly all the IV solutions used in the United States.

It was a rare unguarded comment. Ms. Spak — like a spokesman for Hospira, another giant in the field — later insisted that all information about saline solution prices was private.

In fact, manufacturers are required to report such prices annually to the federal government, which bases Medicare payments on the average national price plus 6 percent. The limit for one liter of normal saline (a little more than a quart) went to $1.07 this year from 46 cents in 2010, an increase manufacturers linked to the cost of raw materials, fuel and transportation. That would seem to make it the rare medical item that is cheaper in the United States than in France, where the price at a typical hospital in Paris last year was 3.62 euros, or $4.73. One-liter IV bags normally contain nine grams of salt, less than two teaspoons. Much of it comes from a major Morton Salt operation in Rittman, Ohio, which uses a subterranean salt deposit formed millions of years ago. The water is local to places like Round Lake, Ill., or Rocky Mount, N.C., where Baxter and Hospira, respectively, run their biggest automated production plants under sterility standards set by the Food and Drug Administration.

But even before the finished product is sold by the case or the truckload, the real cost of a bag of normal saline, like the true

cost of medical supplies from gauze to heart implants, disappears into an opaque realm of byzantine contracts, confidential rebates and fees that would be considered illegal kickbacks in many other industries.

IV bags can function like cheap milk and eggs in a high-priced grocery store, or like the one-cent cellphone locked into an expensive service contract. They serve as loss leaders in exclusive contracts with "preferred manufacturers" that bundle together expensive drugs and basics, or throw in "free" medical equipment with costly consequences.

Few hospitals negotiate these deals themselves. Instead, they rely on two formidable sets of middlemen: a few giant group-purchasing organizations that negotiate high-volume contracts, and a few giant distributors that buy and store medical supplies and deliver them to client hospitals.

Proponents of this system say it saves hospitals billions in economies of scale. Critics say the middlemen not only take their cut, but they have a strong interest in keeping most prices high and competition minimal.

The top three group-purchasing organizations now handle contracts for more than half of all institutional medical supplies sold in the United States, including the IVs used in the food-poisoning case, which were bought and taken by truck to regional warehouses by big distributors.

These contracts proved to be another black box. Debbie Mitchell, a spokeswoman for Cardinal Health, one of the three largest distributors, said she could not discuss costs or prices under "disclosure rules relative to our investor relations."

Distributors match different confidential prices for the same product with each hospital's contract, she said, and sell information about the buyers back to manufacturers.

A huge Cardinal distribution center is in Montgomery, N.Y. — only 30 miles, as it happens, from the landscaped grounds of the Buddhist monastery in Carmel, N.Y., where many of the food-poisoning victims fell ill on Mother's Day 2012.

Among them were families on 10 tour buses that had left Chinatown in Manhattan that morning to watch dragon dances at the monastery. After eating lunch from food stalls there, some traveled on to the designer outlet stores at Woodbury Commons, about 30 miles away, before falling sick.

The symptoms were vicious. "Within two hours of eating that rice that I had bought, I was lying on the ground barely conscious," said Dr. Elizabeth Frost, 73, an anesthesiologist from Purchase in Westchester County who was visiting the monastery gardens with two friends. "I can't believe no one died."

About 100 people were taken to hospitals in the region by ambulance; 5 were admitted and the rest released the same day. The New York State Department of Health later found the cause was a common bacterium, Staphylococcus aureus, from improperly cooked or stored food sold in the stalls.

MYSTERIOUS CHARGES

The sick entered a health care ecosystem under strain, swept by consolidation and past efforts at cost containment.

For more than a decade, hospitals in the Hudson Valley, like those across the country, have scrambled for mergers and alliances to offset economic pressures from all sides. The five hospitals where most of the victims were treated are all part of merged entities jockeying for bargaining power and market share — or worrying that other players will leave them struggling to survive.

The Affordable Care Act encourages these developments as it drives toward a reimbursement system that strives to keep people out of hospitals through more coordinated, cost-efficient care paid on the basis of results, not services. But the billing mysteries in the food poisoning case show how easily cost-cutting can turn into cost-shifting.

A Chinese-American toddler from Brooklyn and her 56-year-old grandmother, treated and released within hours from the emergency room at St. Luke's Cornwall Hospital, ran up charges of more than $4,000 and were billed for $1,400 — the hospital's rate for the uninsured, even though the family is covered by a health maintenance organization under Medicaid, the federal-state program for poor people.

The charges included "IV therapy," billed at $787 for the adult and $393 for the child, which suggests that the difference in the amount of saline infused, typically less than a liter, could alone account for several hundred dollars.

Tricia O'Malley, a spokeswoman for the hospital, would not disclose the price it pays per IV bag or break down the therapy charge, which she called the hospital's "private pay rate," or the sticker price charged to people without insurance. She said she could not explain why patients covered by Medicaid were billed at all.

Eventually the head of the family, an electrician's helper who speaks little English, complained to HealthFirst, the Medicaid H.M.O. It paid $119 to settle the grandmother's $2,168 bill, without specifying how much of the payment was for the IV. It paid $66.50 to the doctor, who had billed $606.

At White Plains Hospital, a patient with private insurance from Aetna was charged $91 for one unit of Hospira IV that cost the hospital 86 cents, according to a hospital spokeswoman, Eliza O'Neill.

Ms. O'Neill defended the markup as "consistent with industry standards." She said it reflected "not only the cost of the solution but a variety of related services and processes," like procurement, biomedical handling and storage, apparently not included in a charge of $127 for administering the IV and $893 for emergency-room services.

The patient, a financial services professional in her 50s, ended up paying $100 for her visit. "Honestly, I don't understand the system at all," said the woman, who shared the information on the condition that she not be named.

Dr. Frost, the anesthesiologist, spent three days in the same hospital and owed only $8, thanks to insurance coverage by United HealthCare. Still, she was baffled by the charges: $6,844, including $546 for six liters of saline that cost the hospital $5.16.

"It's just absolutely absurd." she said. "That's saltwater."

Last fall, I appealed to the New York State Department of Health for help in mapping the charges for rehydrating patients in the food poisoning episode. Deploying software normally used to detect Medicaid fraud, a team compiled a chart of what Medicaid and Medicare were billed in six of the cases.

But the department has yet to release the chart. It is under indefinite review, Bill Schwarz, a department spokesman, said, "to ensure confidential information is not compromised."

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States scramble to get health-care law's insurance marketplaces up and running
Sarah Kliff and Sandhya Somashekhar - **Washington Post**

With a key deadline approaching, state officials across the country are scrambling to get the Affordable Care Act's complex computer systems up and running, reviewing contingency plans and, in some places, preparing for delays.

Oct. 1 is the scheduled launch date for the health-care law's insurance marketplaces — online sites where uninsured people will be able to shop for coverage, sometimes using a government subsidy to purchase a plan. An estimated 7 million people are expected to use these portals to purchase health coverage in 2014.

The task is unprecedented in its complexity, requiring state and federal data systems to transmit reams of information between one another. Some officials in charge of setting up the systems say that the tight deadlines have forced them to take shortcuts when it comes to testing and that some of the bells and whistles will not be ready.

"There's a certain level of panic about how much needs to be accomplished but a general sense that the bare minimum to get the system functional will be done," said Matt Salo, executive director of the National Association of Medicaid Directors. "It will by no means be as smooth and as seamless as people expected."

Oregon announced this month that it will delay consumers' direct access to its marketplace, opening the Web site only to brokers and consumer-assistance agents in order to shield consumers from opening-day glitches.

“Even though we’re testing now, once you actually have the system up, you don’t know what the bugs will be,” said Amy Fauver, spokeswoman for Cover Oregon, the state agency implementing the law there.

In California, which has the nation’s largest uninsured population, health officials have begun hinting that they may have a similar problem.

“It’s a complex system, and there’s a lot of navigation that needs to happen,” said Oscar Hidalgo, a spokesman for Covered California. He said the agency will know by early September whether the system will be ready in time.

If not, he said, customers will still be able to log on to the Web site and peruse insurance plans and view prices. When they get to the final step, however, they will not be able to sign up. They will have to contact a customer service representative to complete the final enrollment step.

Officials with the District of Columbia’s Health Link decided to put off building a Spanish version of its Web site until later this year, giving its staff bandwidth to complete other tasks they see more critical to the launch.

Until then, the District will have bilingual call-center workers and in-person helpers who will be able to help Spanish speakers navigate the site.

The hiccups are troubling to advocates, who worry that there will be mistakes that result in people being erroneously rejected by Medicaid or denied subsidies to which they are entitled. They are concerned that impediments will discourage the uninsured from signing up for coverage.

“There will be something up and running, but there will be serious, serious difficulties with it” that could result in delays and errors initially, said Robert H. Bonthius Jr., a lawyer at the Legal Aid Society of Cleveland. “It’s an extremely ambitious program, well-intentioned, that is going to be very difficult to accomplish, and it’s going to be months and maybe years before it really gets sorted out.”

Much of the difficulty stems from the information the federal government needs to determine who qualifies for which health-law program, including data on citizenship, income, residence and employment. State systems will need to communicate seamlessly with a federal data hub that pulls in information from the Department of Homeland Security and the Internal Revenue Service, among others.

President Obama has predicted “bumps” and “glitches” in the initial launch of the exchanges. Health and Human Services Secretary Kathleen Sebelius has acknowledged a very tight time frame that has required the government to test the hub in imperfect conditions, but she has said it will still launch on time.

“Ideally what you would do if you were building a data hub that needs this kind of information, you’d put a piece together and test that. You test it, if you will, sequentially,” she said in an interview. “We have to build and test simultaneously. . . . It’s a big operational issue, but all systems are a go for the first of October.”

Sixteen states decided to build their own health-insurance marketplaces, with the rest leaving all or much of the task to the federal government. Those states are now in the process of, or have completed, testing to share data back and forth with the data hub.

“There were times when the hub had to be taken offline. . . . So we couldn’t test until they got it back online,” said Jon Hager, executive director of Nevada’s Silver State Health Insurance Exchange. “But I think the end result, and everything I’ve seen, says it will be ready.”

Hager has invested significant time preparing contingency plans for his state, including one for a situation in which the federal data hub does not work, though he said he believes that to be a relatively unlikely scenario.

“If there’s a new rule, that could throw us into a quandary,” Hager said. “You could have, I don’t know, a disaster or a fire. I think we’ve got backup and contingency plans for everything.”

The federal government handles all testing of these connections for states that did not build a portal and chose instead to

rely on the federally facilitated marketplace.

State Medicaid programs, which typically serve low-income individuals, are also undergoing testing with the federal data hub. At least one state, Arizona, has not begun that work. It will start testing in September, a late start that worries the executive director of the state's marketplace.

"It's a concern that we're testing this late," said Tom Betlach, who runs the Arizona Health Care Cost Containment System. "Usually when you do testing, you have to go ahead and address any changes. Given the October 1st start date, I don't know much of it will be an iterative process."

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80 House members: Shutdown better than Obamacare
Charles Babington – **Associated Press**

More than one-third of House Republicans urged their leader Thursday to trigger a government shutdown rather than pay for the implementation of the health-care law they call Obamacare.

A letter from 80 Republicans asked Speaker John Boehner, R-Ohio, to resist any spending bills that would accommodate the new health-care law, which is nearing a critical stage of signing up millions of Americans for health coverage.

Because it's virtually certain that President Obama and the Democrat-controlled Senate would reject such demands, leaders of both parties say the standoff likely would result in a partial shutdown of the federal government, similar to those that occurred in 1995 and 1996.

The letter is mixed news for Boehner and other GOP leaders who view a government shutdown as politically unwise.

The federal 2013 fiscal year ends Sept. 30. New money must be appropriated by then to avoid a shutdown of countless government offices and agencies.

Voters chiefly blamed congressional Republicans for the mid-1990s shutdowns, and the fallout boosted Democratic President Clinton. Ever since, many establishment Republicans have urged the party to avoid using shutdown threats as a bargaining tool.

But a new generation of tea-party-backed conservatives rejects the advice. They say "Obamacare" — officially the Affordable Care Act — is so unpopular and unworkable that it justifies extraordinary tactics to block it.

A possible solution to the budget impasse, often used in past years, would involve a "continuing resolution" to keep funding the government at current levels. Many top Republicans, including Senate Minority Leader Mitch McConnell, say it's impossible to carve out money for Obamacare in any appropriations measure.

The House letter was authored by Rep. Mark Meadows, R-N.C. It urges Boehner "to affirmatively de-fund the implementation and enforcement of Obamacare in any relevant appropriations bill," including "any continuing appropriations bill."

At least a dozen Senate Republicans have signed a similar letter.

In recent years, Democrats and Republicans in Congress repeatedly have failed to reach major compromises on spending.

The impasses led this year to automatic, across-the-board spending cuts known as sequestration, which have hampered some federal agencies and helped shrink the deficit.

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Philanthropy – Full text articles

Philanthropy: the givers club
Cordelia Jenkins – **Livemint and the Wall Street Journal**

On Friday, around 60 prospective philanthropists attended the "First Givers Club" summit in Delhi run by the online philanthropic donation forum GiveIndia. While the club has existed in Mumbai since 2010, said Dhaval Udani, GiveIndia's CEO, this was their first foray into the capital city. Mint was the media partner of the event.

"With this club, we wanted to create a platform for like-minded individuals to build a community of donors who share knowledge and vision; it will also help to facilitate giving effectively," Udani told his audience. "Our aim is to help you get more exposure and awareness of the different aspects of philanthropy; over the last three years this club has helped channel more than Rs.18 crore to the lives of more than 10,000 underprivileged in India."

Rakesh Bharti Mittal, vice-chairman and managing director of Bharti Enterprises, along with speakers Anu Aga of Thermax and Amit Chandra of Bain Capital gave their perspectives on how and where to give effectively and on the future of Indian philanthropy. Edited excerpts:

Rakesh Mittal set up the Satya Bharti school programmes in 2006. The aim was to set up 500 primary and 50 secondary schools of its own with a corpus of Rs.200 crore. After that, state governments began reaching out and Bharti began adopting government schools, creating a public-private partnership in delivering quality education to rural children.

"Given the new companies Bill, which has been passed by Parliament, I assume within the next two three months the rules will be finalized; there is going to be a mad rush for seeking funding. Already, I get a letter every other day for supporting a cause...If I see corporates have been very powerful instruments and drivers of philanthropy, this comes from the wider wealth creation and management role which they do in their businesses. Today they are looking at doing more beyond business, not because the government is forcing them, but because we cannot have islands of wealth. You cannot take this country forward if we are just worried about what I have and what I need for me and my family, and the ecosystem and the society around is crumbling. This country will not move forward."

"If I go back a few centuries giving had been a very rich tradition; it used to be that 10% of your income would be kept aside for a cause. During those times more money went into either building temples or temples of learning, which are the schools and colleges. Pre-1990, Indian corporates were not giving that much, including the individuals, and there was a reason because we did not have sustainable wealth creation opportunities, either for ourselves, our families, or our large stakeholders as we were running the companies.

"This all changed in the post-1991 year of liberalization. In the last two decades, more and more, new age economies moved this country to prosperous economic growth and suddenly you saw people wanting to give back to society because now you have a model which was creating sustainable wealth for yourself."

"There are individuals who may give money and their time, but there are also entrepreneurs, young entrepreneurs who produce products which are low in cost but make a huge impact for the people who use it. This is the brief India is looking at in the landscape today and this will be a stepping stone for the future."

"Giving at Bharti has always been part of our DNA, it was always our endeavour to make a difference. At the beginning, in the mid-70s, we were more interested in creating businesses which could impact society at large. If I look at telecom, retail, agri and food processing we wanted to make a difference and not a buck. In 2000 we set up Bharti Foundation with the sole objective of supporting the youth of India and enabling the underprivileged to come and compete with anyone.

"We started writing cheques and one day I felt that was not the purpose, the fact is there are 320 million children in the age of 6-16, we talk of demographic dividend—absolutely yes, if we nurture this potential, but if we don't do justice to these children there is a disaster which is waiting to happen.

“The way things are going I am not feeling very positive. I am a born optimist; we are spending billions of dollars but is that being delivered efficiently? The answer is no, all of us know that, and that’s why we keep going back to the government; public-private–partnerships is going to be the key to move forward, you have the resources we have the management expertise let’s join hands. And it has started moving.”

Anu Aga led Thermax Ltd from 1996-2004, after retirement she remains on the company’s board of directors. The chairperson of TFI (Teach For India) was nominated to Rajya Sabha in 2012.

“My giving actually started when I lost my son, who was 25 and died in a car accident. Having studied abroad, poverty really bothered him. We who live in India, we become quite insensitive to seeing poor people, but he kept saying a substantial part of our wealth has to go to charity.”

“It started in a very small way, it’s not as if I gave away crores and crores at once. It started with me getting personally involved and I like that model very much, I’m not very happy with just writing a cheque and not getting involved. I was involved with Akansksha and then I was invited to join their board—it ran centres for slum children and I brought it to Pune.

“We have six schools, now this is done by the CSR wing of Thermax, but Shaheen (Mistry) then started Teach For India, which personally I support.

“From the family wealth, it’s my daughter and I who decide on things. The bulk of our giving is to Teach For India and Akanksha, but we also give to an institute called Parivaar in Calcutta, which is for the poorest of the poor. In Bihar we are giving to a school run by an ex-police officer for the rat-eating tribe. The main underlining thing is credibility. Giving without being involved does give me that little fear, but at the same time I would rather make a few mistakes than mistrust everybody.

“There is a lovely body called Caring Friends in Bombay, where a few hundred people meet informally. It’s not an NGO, the two people who started it incubate NGOs which are new from their own money, and after a few years when they become credible, bring it to the others and ask for money from them.”

Amit Chandra is managing director of Bain Capital and responsible for the firm’s India initiative. He is also chairperson of the Akanksha Foundation that works in the field of education for less privileged children.

“Even though I came from a lower middle class family, we were always taught as children to give and share whatever we had. For me the big inflection points were as I was working at DSP Merrill Lynch and I rose through the ranks, I got success relatively early. I was running the firm before I was 35 but there was still a sense of unease that I had with everything I saw around me. I think the unease was on two counts, one was that by virtue of running what was the largest investment bank at that time I got to work with a lot of families and I realized that wealth did not necessarily translate into happiness when you really got to know a lot of these people individually.

“In fact, wealth built a sense of entitlement amongst the next generation, it built a sense of extreme bitterness amongst siblings, and it often was a source of great degree of unhappiness. And another thing, having had the opportunity to study in the West, I realized that when you look at leaders with legacy, a very vast percentage of leaders who had any degree of legacy where the ones who had given back to society. These issues were beginning to bother me.

“My wife and I were inspired by what Chuck Feeney (Irish-American businessman and philanthropist and the founder of The Atlantic Philanthropies) did. We decided to cap the amount of wealth we wanted to have as a family, and so my wife and I walked into a lawyer’s office, and I transferred how much she thought was needed for her, my daughter, and to support my living, and we said from this day onwards everything else basically goes to charity.

“What that did for us was actually incredible because our constraint after that point in time was to find good causes that could be scaled up. That’s where the GiveIndia team came in extremely handy because we’ve set a budget every year for ourselves which is higher than the previous year with the objective really being to effectively give away all our income every year.

“I think giving your time is critical to being able to scale up giving your money. The two things have to go hand in hand. There is no substitute to actually giving time and approaching it the same way you would approach businesses and investments.

The biggest network we use is the GiveIndia network. Working with their team allows us to screen and monitor, before that we were able to support a handful of NGOs. Now we have a reasonable portfolio across all the areas we are interested in. I don't think that scale up would be able to happen if we hadn't leveraged the GiveIndia team."

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Global Health and Development – Full text articles

Pat on the back or force for good: what purpose do development awards serve?
Mark Tran – **Guardian blog**

Divyesh Thakkar has just returned from refugee camps in Ethiopia, where he was surprised to see portable solar lanterns designed by his company still in use three years after their distribution.

The batteries for the prototype lamps were expected to last only two years, but were still functioning at the Jijiga camp near the Somali border.

"It's amazing they're still working and to see them changing lives," said Thakkar, who is based in Leicester. "People are going to university thanks to the lamp."

The solar lantern, which looks like an old-fashioned kerosene hurricane lamp, won an innovation award last year at AidEx, an annual trade show bringing together suppliers and buyers of products for the aid industry. The lamp has a built-in solar panel to charge its four AA-sized batteries.

The lantern has an obvious advantage over kerosone-fuelled equivalents: with no flame or smoke emissions, it is safer and more environmentally friendly. The batteries are made for 500 cycles, or about two years, but the longevity of the lamps in Ethiopia has come as a pleasant surprise. In a novel twist, the lantern, which costs $38 (£24.50), can also be used to charge mobile phones.

The award provided a huge fillip for Thakkar's company, Sunlite. As word spread, relief agencies placed increasingly large orders. About 100,000 of the lamps have been (or are being) used after emergencies in Japan, the Philippines, Thailand and Syria.

Sunlite makes 15,000 lamps a month at two plants in India, including one in a special economic zone in Gujarat state.

Next month, there will be a new winner at AidEx in Brussels, the third year of the award. The innovation award sits alongside a crowded field of honours in the development world, although AidEx is geared more towards humanitarian needs.

Awards seem to be proliferating. Last month, 53 finalists met in Washington to showcase ideas to save the lives of mothers and newborns in developing countries. The award is given by the Saving Lives at Birth partnership, launched in 2011, which includes USAid, Norway, Grand Challenges Canada, backed by the Canadian government, the UK's Department for International Development, and the Bill & Melinda Gates Foundation.

In October, the Mo Ibrahim foundation will announce its prize for achievement in African leadership, established in 2007. Past winners include presidents Joaquim Chissano and Festus Gontebanye Mogae, of Mozambique and Botswana respectively, although the prize is not awarded if no one meets the criteria.

Sceptics may wonder whether these accolades contribute meaningfully to development, or exist only to make donors feel good while sidestepping more fundamental, structural issues. For instance, the Gates foundation awarded $100,000 to the California Institute of Technology last year for designing a solar-powered toilet that breaks down water and human waste into hydrogen gas for use in fuel cells.

The competition was for "next-generation" toilets to improve sanitation in the developing world. Would that money have been better spent on supporting community-led total sanitation – a project to end open defecation that has had considerable success?

Calestous Juma, international development professor at the Kennedy school of government and a nominator, judge and promoter of new types of prizes, sees awards as part of a complex ecology of financing innovation that includes many other instruments. He believes there should be more prizes for humanitarian work and development.

"Doing humanitarian work may look like a thankless job. Yet it is driven by the instinct of empathy that makes us human," said Juma, author of The New Harvest: Agricultural Innovation in Africa. "Honouring, rewarding, celebrating and inspiring work in this area is more needed today than ever. This is an area that can use more societal recognition, especially at a time when the whole aid industry is under scrutiny."

However, Juma says prizes need to be carefully thought out. "Many organisations are launching them without thinking carefully about what prizes can do or cannot do."

The AidEx challenge's lead judge, Michael Pritchard, inventor of the Lifesaver water bottle, says the award is not so much about the money – £2,000 – as validation, although the publicity can be a much-needed boost.

"The validation goes an awfully long way to get the product developed and provides a big leg-up into getting it into the market," he said. "It gets written up all over the world and gets the oxygen of publicity."

As for Thakkar, he says winning the AidEx award has been a positive experience: "Winning the award made a huge difference, it increased publicity. People look more favourably on us and [that] gives us an extra edge. We don't have to sell it as much. But we don't want to be just appreciated, we want the lamp to be used extensively."

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Education – Full text articles

A Chance at Learning
Ginia Bellafante – **New York Times**

This year, a study administered by researchers at Harvard and Stanford drew significant attention for what it revealed about how inadequately low-income students are represented at selective colleges and universities. Only 34 percent of the highest-achieving high-school seniors whose families fell in the bottom quarter of income distribution — versus 78 percent in the top quarter — attended one of the country's most selective colleges, based on a list of nearly 250 schools compiled by Barron's.

In New York City, where a neighborhood like Bushwick, in Brooklyn, can seem like a satellite campus of Wesleyan and a prewar apartment building on the Upper East Side can feel like an Ivy League dormitory for 46-year-olds, there has been considerable philanthropic attention, of the kind other cities ought to envy, paid to finding the most gifted low-income students and putting them on a similar path.

In 1978, Gary Simons, a Bronx teacher, founded Prep for Prep with the goal of identifying talented students of color in the city and readying them for attendance at private schools like Dalton and Groton and so on. Hundreds of the program's alumni have gone on to law, medical and business schools, and employment at Goldman Sachs, JPMorgan Chase and Time Warner.

A decade ago, hoping also to advance the best students attending public high schools, Mr. Simons and others founded another organization, Leadership Enterprise for a Diverse America, or LEDA, which draws exceptional children from around the country, regardless of race, almost entirely from families who make less than $55,000 a year. Applicants are required to be in the top 10 percent of their class, having taken the most difficult courses their schools offer. The 60 who gain entry to the program each year spend the summer before 12th grade at Princeton, studying ethics, political theory and public policy, and preparing for standardized college entrance exams.

In a wondrous righting of the current disequilibrium, however small its scale, they are tutored for those tests by the same instructors who work with some of Manhattan's wealthiest teenagers: the staff of Advantage Testing, whose services cost parents up to $795 an hour. Arun Alagappan, the founder and president of Advantage and a major benefactor of LEDA, provides his employees (whose résumés typically resemble those of the people at Google or McKinsey) pro bono.

LEDA has been very successful. Of the 500 or so students who have graduated from the program, three quarters have gone on to top-tier colleges, 30 percent of them to the Ivy League. Among LEDA's 2012 graduates alone, 19 gained admission to Princeton, 11 to Georgetown and 6 to the University of Pennsylvania.

Last week I took a walk around Red Hook, Brooklyn, with Joshua El-Bey, a LEDA graduate who was leaving in a few days for his sophomore year at Yale. His family struggled as he grew up, moving often and ultimately landing in the Red Hook Houses, the borough's largest public housing development. His first memories of book learning, he told me, were the readings his mother delivered from Genesis when he was 2. What was disconcerting about Mr. El-Bey's otherwise incredibly inspiring trajectory was how much of his success had depended on opportunities outside the public education system.

Bullied in middle school for his studiousness, Mr. El-Bey hoped to gain admission to one of the city's elite specialized public high schools, but he did not do well enough on the entrance exam. The free tutoring provided by the city for the test was insufficient, he said.

He ended up at Edward R. Murrow in Midwood, Brooklyn, a good school whose academics were nevertheless surpassed by the supplemental training he received as a scholar at Sponsors for Educational Opportunity, an organization begun 50 years ago by Manhattan lawyers and advertising executives as a mentoring program to get poor minority students into good colleges. Today it essentially provides a shadow education. In school, Mr. El-Bey told me, he simply learned to "regurgitate facts."

Programs like LEDA and S.E.O. are popular with wealthy, supremely educated donors, precisely because of outcomes like Mr. El-Bey's. Just this May, the financier Henry R. Kravis pledged $4 million in matching gifts to S.E.O.

And in a city as dense with talent and money as New York, the effects of such philanthropy can be effortlessly observed. Walking through his neighborhood, Mr. El-Bey ran into another alumnus of S.E.O., Luis Hernandez, who was about to begin his freshman year at the University of Southern California. In a precocious accomplishment more typical in other neighborhoods, Mr. Hernandez had won a screenwriting contest for a film about obesity that had already made its debut on the Showtime cable channel.

As a society we have begun to pay increasing and essential attention to gaining access to the top, but the brightest among us might do well to apply equal focus to how we might enhance the middle.

Most students, rich or poor, will not go to Harvard, while plenty of working-class and poor students will go to colleges that serve them not nearly well enough. Not long ago, our son's caregiver, who is taking classes at LaGuardia Community College in Queens, showed me a paper she had written for a class in English composition taught by a teacher who was consistently late and twice absent. It was on Ibsen's "A Doll's House" and my husband had helped her. It incisively analyzed the play's theme of 19th-century marital oppression and was impeccably written.

When our nanny received her grade, she was shocked not to have done as well as she had expected. Her formatting had been imprecise, the teacher told her. And there was a problem with spacing. Content seemed not to matter much at all.

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Obama goes for college 'datapalooza'
Nick Anderson – **Washington Post**

In President Obama's plan to overhaul higher education, which envisions using new federal ratings of colleges to determine levels of student aid, there is a deep faith in the power of information and innovation to catalyze change in colleges and universities.

Ultimately, the belief is that these forces will make college more affordable.

Yet academia has witnessed and taken part in many waves of innovation in the past half-century, and affordability remains elusive.

The administration's faith is encapsulated in a word the White House used this week in a fact sheet about the plan:

“Datapalooza.” Here’s the reference:

“New college ratings will help students compare the value offered by different colleges,” the fact sheet said. “The Department of Education will enlist entrepreneurs and technology leaders with a ‘Datapalooza’ to catalyze new private-sector tools, services, and apps to help students evaluate and select colleges. The effort will be complemented by earnings information by college that will be released for the first time on [the] administration’s College Scorecard this fall.”

What is a datapalooza? Apparently, it is a festival of, or related to, data. The White House and the Education Department hosted such an event Oct. 9. Students and parents are arguably awash in data now, much of it conflicting and confusing. Some would say more is better.

Few would argue that better data would be best of all for the consumer.

The yen for better data is shared not just by Obama but also by some colleges. Start with graduation rates.

Now, the federal government measures how many students graduate within four years or six years of starting college. But it only measures that for students who are first-timers, who are enrolled full-time and who don’t transfer from one institution to another, omitting a huge share of the college population. Millions of students are part-timers. Community colleges with excellent records of getting students into prestigious four-year schools are not rewarded for their efforts if those students fail to pick up an associate’s degree before they transfer. Nor are four-year colleges that give transfer students or former dropouts a second chance and help them get a bachelor’s degree.

The Association of Public and Land-grant Universities, which represents schools such as the University of Maryland, is spearheading an effort to improve this flawed metric, using not only federal data but also information from the nonprofit National Student Clearinghouse to track degree completion for students who move from one school to another.

One question Education Secretary Arne Duncan will face, as he confers with colleges to create a ratings system within the next two years, is what kind of graduation rate the government will use. Another is what kind of data the government will report on income of college graduates.

All we know about the federal rating metrics at this point are rough sketches from the fact sheet, highlighting these potential factors: “access, such as percentage of students receiving Pell grants; affordability, such as average tuition, scholarships, and loan debt; and outcomes, such as graduation and transfer rates, graduate earnings, and advanced degrees of college graduates.”

The plan envisions that ratings will be tied to student aid formulas by 2018, if Congress agrees. That is a big if. It’s also a year after Obama’s term ends.

There is nothing in the plan that would force states to give more funding to public higher education, one of the key cost drivers in tuition. The president recognized the issue, touting a proposal that he has made before — a “Race to the Top” incentive fund of $1 billion for higher education. This fund would aim to spur state reforms and reward states that maintain strong higher education funding, much as an identically named fund for K-12 education did in 2009 and 2010. But it is unlikely to win congressional approval.

Obama’s plan highlights innovation. The president gave a major shout-out to a movement to award degrees based not on how much time students spend in class but on how well they master their material, citing an experiment under way at Southern New Hampshire University and one that is about to launch at the University of Wisconsin.

“So the idea would be if you’re learning the material faster, you can finish faster, which means you pay less and you save money,” Obama said Thursday in a speech at the University at Buffalo. This notion is indeed revolutionary in academia because most degrees are awarded based on the concept of a credit hour — which is a rough measure of the time a student spends doing work in and for a course.

Obama also underscored the online learning movement, which has gained steam in recent years, saying that it holds out the promise of reducing costs. Carnegie Mellon, Arizona State and Georgia Tech universities won coveted presidential mentions in the speech. So did the University of Maryland, in the fact sheet. Fans of massive open online courses, or

MOOCs, took heart from this.

What exactly can the administration do to hasten technological innovation besides hosting datapaloozas? The fact sheet points to two proposals: one that requires money, and one that doesn't. A "First in the World" fund of $260 million, presumably requiring congressional approval, would "test and evaluate innovative approaches to higher education that yield dramatically better outcomes." Education officials liken this to a $650 million "Investing in Innovation" fund created under the 2009 stimulus law that has been used as seed money for experiments in K-12 education.

And the Education Department could cut regulatory barriers to innovation, whatever those might be. Education officials said Friday that they plan to solicit ideas from colleges on what government rules are hindering innovation. Many educators might say that red tape gets in the way of experiments in distance learning and degree programs not organized around the traditional credit hour.

The fact sheet asserts: "The Department will use its authority to issue regulatory waivers for 'experimental sites' that promote high-quality, low-cost innovations in higher education, such as making it possible for students to get financial aid based on how much they learn, rather than the amount of time they spend in class."

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Massively Online And Offline Too: How MOOCs Will Evolve In The Physical World
Giovanni Rodriguez – **Forbes**

I was at the airport about this time last Sunday, when I overheard a conversation that's becoming quite commonplace. One person was explaining to another what a MOOC was, but he couldn't remember what the letters stood for. As someone who regards himself as an amateur, ad-hoc, in-the-moment teacher, I felt compelled to help him out: "Massive. Open. Online. Course." He thanked me. He had been struggling to remember the "open" part of the MOOC message. And, even more interesting, he had been struggling to remember the word "course."

Over the past few months, more and more clients and partners have been coming to me to deconstruct not just the acronym but also the attributes of MOOCs. So often in fact that I have decided to write a short series on the subject. There are many things to say about both the true impact and hype about MOOCs in the larger narrative that's emerging about disruption in education. But from where I sit, what's most important to note about MOOCs in 2013 is something that the acronym does not yet capture: the massive disruption we're seeing in education will be online and offline, too.

Experience

There are at least three reasons for this. And each of these reasons deserves at least one post, but I'll be super brief here. The first is that the online experience of MOOCs will almost certainly evolve in a way that teachers, students, and staff will look to find ways to meet with one another. This will either happen by design (by intent and with care) or it will happen organically. Almost certainly, the producers of MOOCs will look to do this with some sense of design, while leveraging the organic power of networks to grow by themselves. And if you have been following the evolution of MOOCs, you already know that the online experience is still a work in progress. My business colleague, Chris Bennett — a behavior designer and gamification expert — and I recently spoke about this: many are stuck in the old paradigm of delivering education to the consumer, rather than leveraging the greatest assets of the new medium (co-creation, crowdsourcing, collaboration). By redesigning the online experience to become more interactive, innovators in the MOOC world will see the possibilities for offline experience.

Inventory

Another reason for thinking about physical space: while the world ponders the impact that the costs of higher education will have on schools that are struggling to compete, the inventory of quality physical space that becomes available will appeal to organizations that need it. A couple of years ago, I had the privilege of serving as an advisor to a White House initiative that traveled the country meeting with leaders in large spaces in a network of state and community colleges. As a former theater producer, I was impressed with the availability and quality of these spaces. In theater — and other kinds of shared, quasi-spiritual, transformative experience — physical space is everything. Innovators in the MOOC world will get wise — if they haven't already — to the existence of networks of spaces (there are many different networks, as I will show in a later

article) and make them come alive for their clientele.

Opportunity

And I use the word clientele to make a final point: innovation in the MOOC world will not just come from educators, but from any organization that sees the value of massive online and offline courseware. As my own clientele have come to realize, education in the 21st century is not just something you do before you become an adult but a modality of experience that empowers you throughout your entire life. No reason for schools to own the entire market for those kinds of experiences. But I expect the most enterprising schools — especially those with great or underused physical inventory — to partner with organizations that now have the opportunity to rethink themselves for the education market. In the meantime, it may be time to reassess the MOOC acronym to make the opportunities more obvious. "Massive Online Offline Communities" seems more like it. And unlike the online communities of the past, these communities are learning communities, driven by the new lifelong modality of transformative experience. Expect a land grab for branding and positioning. The disruption in education is just beginning, and the players are just becoming visible.

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Women and Children – Full text articles

Indian Police Arrest Suspects in Two Gang Rapes
Sean Mclain and Khushita Vasan – **Wall Street Journal**

Indian police Sunday were holding 10 men suspected of involvement in two highly publicized gang-rape cases—one in urban Mumbai, the other in rural Jharkhand state—highlighting India's struggles with sexual violence.

In Jharkhand in eastern India, police said they had detained five suspects in connection with the rape of a policewoman by a group of men who had set up a roadblock on a highway. The attack occurred Thursday, but wasn't reported to police until Friday, they said.

Five other men were in custody Sunday in the Mumbai case, in which a 22-year-old magazine intern taking photographs of dilapidated buildings was assaulted Thursday in an abandoned textile mill in the city, police said.

The attacks come as the trial of five people accused in the December gang rape and murder of a 23-year-old student on a Delhi bus entered its final phase. That crime sparked nationwide demonstrations and prompted the government to introduce harsher penalties for crimes against women.

Protesters took to the streets of Mumbai on Friday to decry the assault on the magazine intern in a city that has a reputation as a relatively safe place for women. In 2012, the incidence of rape in the Western Indian metropolis was about half the national rate, according to the National Crime Records Bureau.

"I've always felt much safer in Mumbai compared to other Indian cities," said Sanika Prabhu, a television producer from Mumbai. "After this incident, I feel like I don't recognize this city anymore."

Mumbai police said the magazine intern was with a 21-year-old male companion when she was attacked Thursday. The assailants tied his hands with his belt and raped the woman from 5:30 p.m. to 7 p.m., an official at N.M. Joshi police station said. Medical tests confirmed the rape, he said.

Under Indian law, rape victims cannot be named in media accounts.

There were 24,915 reported rapes in India in 2012, according to the National Crime Records Bureau, including 233 in Mumbai. The victims in almost half the Mumbai cases were between 14 and 18 years old.

Activists say the number of rapes is much higher, as many go unreported. India also has a poor record on convictions, with only around a quarter of alleged rapists convicted in 2010.

In Jharkhand, police said the rape of the police constable occurred at around 1:30 a.m. on Thursday, as she and her

relatives were transporting the corpse of her brother-in-law for cremation.

"They were accosted by five or six young men who had set up a roadblock," said S.N. Pradhan, a police official in Jharkhand. According to the criminal complaint, the men stole 40,000 rupees ($625) and then ordered the woman out of the vehicle. "Then they took her to the bush and raped her one by one while others stood watch," he said.

The rape wasn't reported until Friday, when police—investigating reports of highway robbery—discovered a photo of a policewoman near where the thefts occurred. "The superintendent of police asked her why her photo was there and only then did she report the rape," Mr. Pradhan said.

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Is there any space in the development debate for African experts?
Andrew Quinn – **Guardian blog**

At a 2012 TEDxChange conference in Berlin, African women's development fund CEO Theo Sowa turned the spotlight on an uncomfortable truth: African women may be the focus of many development campaigns, but they are rarely represented as drivers of the discussion.

"When people portray us as victims, they don't want to ask us about solutions. Because people don't ask victims for solutions," Sowa told the audience.

Of course, experts from Africa and other parts of the developing world are pioneering solutions to a vast range of development challenges on everything from improving maternal health to boosting sustainable crop output. Bringing their perspectives to light should be an integral part of development work, particularly as the international community contemplates the next steps in the global development agenda beyond the 2015 MDGs.

Celebrity advocates, government officials and major funders all have ready-made platforms for spreading their views – the power of their brand is often enough to build an audience.

But for those without immediate recognition, the task is harder. The Aspen Institute's New Voices Fellowship, launched this year with support from the Bill & Melinda Gates foundation, is one attempt to start figuring out an answer by providing both media coaching and contacts for development experts from Africa and, eventually, other parts of the developing world.

Development experts, so focused on their endless and crucial work, often neglect this area. Yet finding ways to leverage yours or your colleagues' public visibility is not as difficult as it sounds. Media training can be expensive, but enormously beneficial. Persistence pays off. And above all, helping people to think like "thought leaders" can bring real results.

Our fellows represents a cross-section of the work under way in Africa today, from a Congolese doctor seeking to build a health system in one of the remotest parts of his country to a Ghanaian tech entrepreneur devising new strategies for expanding math and science education in rural communities. Each one is an expert, and each one has a story to tell. Helping them to craft their stories, and find an audience, have been our challenges.

The audience, at least initially, has been the easy part. The explosion of online and issue-driven media over the past decade has created a wide range of outlets, many of which are eager to bring new voices to light. Development-focused media such as the Guardian's Global Development section, general interest aggregators such as the Huffington Post, and geographic specialists such as AllAfrica.com and Think Africa Press all represent potential platforms for fresh writing about development issues. Even mainstream outlets such as CNN and Al Jazeera are welcoming new contributors for their opinion sections, while professional community portals such as Business Fights Poverty and the Guardian Global Development Professionals Network can open the door to engaged specialists who care deeply about the challenges ahead.

Add to this the increasingly crowded schedule of conferences and meetings ranging from the Clinton Global Initiative and Skoll World Forum to TEDx events held around the world and it's clear that there are a wealth of opportunities to reach important audiences with new stories.

Crafting those stories has proved a little trickier. While the development-focused media has expanded, the standard for what makes a compelling blog, speech or opinion piece have not: clear writing and cogent argument backed up by solid evidence and examples. Putting the pieces together, and injecting the right personal note to make for a truly memorable piece, takes work, self-confidence and practice.

For our first New Voices Fellowship meeting in Johannesburg in June, we set up a series of training sessions on how to handle media interviews, how to behave on camera, and how to build an online presence. But the most important part of the curriculum turned out to be a crash course in confidence: how to believe in the importance of what you have to say. For many of our fellows, unused to thinking of themselves as "thought leaders", the leadership component was new territory. We learned that helping the fellows define their specific areas of expertise, and to understand how that personal expertise can translate into important contributions to the global development discussion, was an essential starting point. One fellow, an expert on maternal health from Tanzania, found new confidence in the fact that alongside her medical degrees she has personal experience as an African mother. Another, who specialises in poverty alleviation in Nairobi's slums, began to harness his own stories about growing up in those slums to buttress his points about development in informal settlements.

These are exactly the types of new perspectives that will inform and enrich development policy discussions. At Aspen, we will be recruiting our next class of New Voices fellows starting mid-September, and look forward to learning from and working with other organisations which are committed to expanding the dialogue about what works – and what doesn't – in global development.

Andrew Quinn is director of the New Voices Fellowship at the Aspen Institute.

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Child marriage campaigners in south Asia receive $23m cash injection
Mark Tran – **Guardian blog**

By the age of 17, Zeenat had been divorced three times after forced marriages. She first wed shortly after puberty to a man who abused her, an experience that recurred in her subsequent marriages.

She became so isolated that she did not go to the hospital or ask for help. Neither had she heard of India's Protection of Women from Domestic Violence Act of 2005, which made her husband's violent outbursts not just wrong, but illegal.

Sadly, her story is all too common. Every year about 10 million girls become child brides, and one in seven girls in the developing world marries before the age of 15.

Bangladesh, Nepal and India have three of the highest rates of child marriage, with 68.7%, 56.1% and 50% respectively of girls married before the age of 18. Child marriage is not just a question of poverty – although that is a critical issue – but also of how girls are viewed in society.

"Even with higher levels of income, there is the practice of child marriage," said Care International's gender director, Theresa Hwang. "It is an issue of status; girls are valued in a lesser way. In India, girls are not seen as 'added value'. The issue is squarely tied to gender equality and social norms."

Care USA, the US arm of the anti-poverty NGO, and the American Jewish World Service (AJWS) this week received grants of $7.7m (£4.9m) and $15.3m respectively from the Kendeda fund to tackle child marriage in south Asia. Both organisations will use the money to support local NGOs.

Founded 10 years ago, the Kendeda fund worked initially on environmental sustainability in the US, but last year created a girls' rights portfolio. AJWS will focus on India, Care on Nepal and Bangladesh.

All three countries have laws against child marriage, but implementation has proved difficult. Civil child marriage laws are not enforced, and religious or social customs prevail.

In Nepal, Care supports groups such as Chunauti, which seeks to spread its message against child marriage among schools and local businesses. The local NGO persuaded factories to put anti-child marriage slogans in their production

materials. It also convinced a food catering business not to cater for child marriage ceremonies.

For Care and AJWS, the logical route is to work through local partners familiar with regional conditions and practices, and based where the pressure points are. For the local NGOs, it shows they are not working alone on a difficult problem only now receiving the attention it merits.

The UN high-level panel appointed by Ban Ki-moon, the UN secretary general, to look at development targets to replace the millennium development goals when they expire in 2015, has urged the recognition of child marriage as a key indicator of female empowerment. In another sign that child marriage is moving up the development agenda, Girls Not Brides, the global partnership to end child marriage, was formed in September 2011 to tackle the problem.

Empowerment can come through that catch-all term, livelihoods training. Groups such as Brac, the Bangladeshi NGO, for example, have created clubs in Uganda where young girls learn to develop confidence through storytelling and songwriting. They also learn more practical skills, from financial literacy and tailoring to agricultural work.

Backed by AJWS, Mohammad Bazar Backward Classes Development Society in West Bengal takes a similar approach. The organisation, which works with marginalised Muslim and tribal women and children in urban Kolkata, runs a school for girls as well as vocational training for women in the rural area of Birbhum.

"We work to build girls' aspirations, promote girls' ideas of themselves when they don't have aspirations, and engage with key decisionmakers – parents, teachers and religious leaders," said Javid Syed, Asia programme officer for AJWS.

AJWS helped change Zeenat's life. It provided her with vocational training, allowing her to become financially independent and diminishing the likelihood that economic need will turn her towards another abusive marriage. If Zeenat does marry again, the hope is that she will have the support of her family and the ability to leave the marriage if she chooses, in full knowledge of her rights.

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Money, money, money!

Maureen Dowd

WASHINGTON Clinton nostalgia is being replaced by Clinton neuralgia.

Why is it that America's roil family always seems better in abstract than in concrete? The closer it gets to running the world once more, the more you are reminded of all the things that bugged you the last time around.

The Clintons' neediness, their sense of what they are owed in material terms for their public service, their assumption that they're entitled to everyone's money.

Are we about to put the "For Rent" sign back on the Lincoln Bedroom?

If Americans are worried about money in politics, there is no larger concern than the Clintons, who are cosseted in a world where rich people endlessly scratch the backs of rich people.

They have a Wile E. Coyote problem; something is always blowing up. Just when the Clintons are supposed to be floating above it all, on a dignified cloud of do-gooding leading into 2016, pop-pop-pop, little explosions go off everywhere, reminding us of the troubling connections and values they drag around.

There's the continuing grotesque spectacle of Anthony Weiner and Huma Abedin. And there's the sketchy involvement of the Clintons' most prolific fund-raiser, Terry McAuliffe, and Hillary's brother Tony Rodham in a venture, GreenTech Automotive; it's under federal investigation and causing fireworks in Virginia, where McAuliffe is running for governor.

Many Israelis were disgusted to learn that Bill Clinton was originally scheduled to scarf up $500,000 to speak at the Israeli president Shimon Peres's 90th birthday festivities in June. I guess being good friends with Peres and brokering the accord that won Peres the Nobel Peace Prize were not reasons enough for Bill to celebrate. The Israeli branch of the Jewish National Fund had agreed to donate half a mil to the Clinton foundation. Isn't the J.N.F. "supposed to plant trees with donor cash?" Haaretz chided before the fund pulled back. "I guess money does grow on trees."

I never thought I'd have to read the words Ira Magaziner again. But the man who helped Hillary torpedo her own health care plan is back.

In an article in this newspaper last week headlined "Unease at Clinton Foundation," Nicholas Confessore and Amy Chozick offered a compelling chronicle about an internal review of the rechristened Bill, Hillary & Chelsea Clinton Foundation that illuminated the fungible finances and tensions between Clinton loyalists and the foundation architects Magaziner and Doug Band, former bag carrier for President Clinton.

You never hear about problems with Jimmy Carter's foundation; he just quietly goes around the world eradicating Guinea worm disease. But Magaziner continues to be a Gyro Gearloose, the inept inventor of Donald Duck's Duckburg.

"On one occasion, Mr. Magaziner dispatched a team of employees to fly around the world for months gathering ideas for a climate change proposal that never got off the ground," Confessore and Chozick said.

We are supposed to believe that every dollar given to a Clinton is a dollar that improves the world. But is it? Clintonworld is a galaxy where personal enrichment and political advancement blend seamlessly, and where a cast of jarringly familiar characters pad their pockets every which way to Sunday.

"Efforts to insulate the foundation from potential conflicts have highlighted just how difficult it can be to disentangle the Clintons' charity work from Mr. Clinton's moneymaking ventures and Mrs. Clinton's political future," Confessore and Chozick wrote.

The most egregious nest of conflicts was a firm founded by Doug Band called Teneo, a scammy blend of corporate consulting, public relations and merchant banking. Band, a surrogate son to Bill, put Huma, a surrogate daughter to Hillary, on the payroll. Even Big Daddy Bill was a paid adviser.

As this newspaper reported, Teneo worked on retainer, charging monthly fees up to $250,000 and recruiting clients from among Clinton Foundation donors, while encouraging others to become foundation donors. The Clintons distanced themselves from Teneo when they got scorched with bad publicity after the collapse of its client MF Global, the international brokerage firm led by the former New Jersey governor Jon Corzine.

Clintonworld is a galaxy where personal enrichment and political advancement blend seamlessly.

And Chelsea is now shaping the foundation's future, and her political future. So there may not be as much oxygen for her troublesome surrogate siblings.

As George Packer wrote in The New Yorker, Bill Clinton earned $17 million last year giving speeches, including one to a Lagos company for $700,000. Hillary gets $200,000 a speech.

Until Harry Truman wrote his memoirs, the ex-president struggled on an Army pension of $112.56 a month. "I could never lend myself to any transaction, however respectable," he said, "that would commercialize on the prestige and dignity of the office of the presidency."

So quaint, Packer wrote, observing, "The top of American life has become a very cozy and lucrative place, where the social capital of who you are and who you know brings unimaginable returns."

The Clintons want to do big worthy things, but they also want to squeeze money from rich people wherever they live on planet Earth, insatiably gobbling up cash for politics and charity and themselves from the same incestuous swirl.

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Deutsche Asset
& Wealth Management

Blanche Lark Christerson
Managing Director, Senior Wealth Planning Strategist

Tax Topics

01/29/14

2014-01

And the beat goes on…

Last fall's 16-day government shutdown ended with legislation that President Obama signed in the wee hours of October 17th. Under that legislation, a bipartisan committee hammered out a budget agreement by mid-December; Congress approved the agreement, and President Obama signed it into law. House and Senate appropriations committees then began drafting spending bills – on which they compromised: H.R. 3547, the "Consolidated Appropriations Act, 2014," passed both the House and the Senate with comfortable bipartisan majorities; it became Public Law 113-76 on January 17th, when President Obama signed it. The Act allocates $1.012 trillion, is over 1500 pages long and funds the government through September 30, 2014 (the end of the current 2014 fiscal year).

The Act restored some of the funding cuts otherwise dictated by the "sequester," which was born of budget legislation (and the debt ceiling crisis) in August 2011. It covers discretionary spending for all government agencies, and has nothing to do with mandatory spending, such as Social Security. In other words, for example, the Act covers national defense, commerce, the judiciary and what are referred to as "financial services," which includes the IRS. Although overall appropriations are up slightly for financial services from last year's enacted level, the $11.289 billion appropriated for the IRS is about 4% less than last year, and continues a downward trend in IRS funding.

Under the Act, the IRS will have new quarterly reporting requirements with respect to some of its spending, and must abide by some pointed directives, including maintaining training programs to cover items such as "taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics and the impartial application of tax law." An additional $92 million is potentially available to the IRS to supplement certain areas of its budget, but not until the IRS Commissioner first provides a spending plan for those dollars, none of which can be used to support any provision of the Affordable Care Act (ACA, which is also known as "Obamacare"). The IRS also cannot make a video unless it is pre-approved by the Service-Wide Video Editorial Board, nor can the Service use any of its funds to target citizens who are exercising their First Amendment rights or to target groups for "regulatory scrutiny based on their ideological beliefs."

In other words, the budget takes note of recent issues that have reflected poorly on the IRS, including the Service's enhanced scrutiny of politically conservative groups that were seeking tax-exempt status as 501(c)(4) social welfare organizations, and the disclosure of certain training videos that spoofed several old television shows and were deemed wasteful. John Koskinen, the new IRS Commissioner, has many challenges ahead of him, including restoring public confidence in the agency and boosting employee morale.

National Taxpayer Advocate

Nina Olson has been the National Taxpayer Advocate since 2001. She heads up the Taxpayer Advocate Service (TAS), which was created in 2000, and is an independent organization within the IRS. Ms. Olson and the TAS are the taxpayer's "voice at the IRS." The TAS is designed to help taxpayers navigate issues with the IRS when the usual channels have failed; in addition, Ms. Olson regularly focuses on larger issues within the IRS and the tax system itself, and recommends solutions. Her year-end Annual Reports to Congress are thorough and thoughtful, and in part, detail what she views as the most serious issues facing taxpayers.

Ms. Olson's 2013 Annual Report was released on January 9, 2014, and, as always, is interesting reading. One of the critical issues Ms. Olson focuses on in this report is that the IRS "desperately" needs more funding to serve taxpayers and increase voluntary compliance. Ms. Olson presents some compelling statistics to support this statement. In fiscal year 2013, for example:

- The IRS received about 109 million phone calls; only 61% of the callers seeking a customer service representative got through, and those who did had to wait an average of 18 minutes before speaking with someone.
- The IRS received about 8.4 million letters from taxpayers responding to proposed adjustments to their tax accounts; it was unable to respond to 53% of this correspondence within its target timeframes.
- The IRS continues to reduce (and sometimes eliminate) services at its nearly 400 walk-in sites; the Service will only answer "basic" tax law questions during this current filing season (January through April), and will not answer any of those questions beyond April.

Ms. Olson also notes that since fiscal year 2010, the IRS workforce has declined about 8%, and that its training budget has been "slashed" from about $172 million to about $22 million, a "staggering" 87% reduction. "Thus," she says, "the IRS not only has fewer employees than four years ago, but those who remain are less equipped to perform their jobs."

Ms. Olson calls the recent IRS budget cuts "shortsighted and counterproductive" for several reasons: 1) our system relies on voluntary compliance, and the harder it is for taxpayers to get answers, the less likely they are to comply; 2) the IRS is a money-maker: in fiscal year 2013, it collected roughly 90% of federal revenue – or about $2.86 trillion on an appropriated budget of about $11.2 billion (an average return on investment of 255:1); of those revenues collected, some 98% were paid timely and voluntarily, with only 2% coming from enforcement actions. "In fiscal terms, to be blunt, the mission of the IRS trumps the missions of all other federal agencies."

At his confirmation hearing last December, IRS Commissioner John Koskinen voiced similar sentiments:

> I don't know any organization in my 20 years of experience in the private sector that has said "I think I'll take my revenue operation and starve it for funds to see how it does." The IRS will have 11,000 fewer people working during this upcoming filing season while processing the largest number of returns in its history. I don't care how efficient you become, that is not a recipe for success or improved compliance and taxpayer service.

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In a nutshell... Tax collectors are never popular. Yet if the IRS lacks sufficient funds to do its job properly, that means fewer dollars all around for all federal programs, including national defense, Social Security and Medicare – *and* for reducing the deficit. Perhaps, as Ms. Olson suggests, Congress should change the way it approaches the IRS's budget and fund the IRS at whatever level Congress believes will "maximize tax compliance, particularly voluntary compliance, with due regard for protecting taxpayer rights and minimizing taxpayer burden."

Changes afoot in New York?

On January 21, 2014, New York's Gov. Andrew Cuomo (D) introduced his comprehensive Executive Budget for New York's 2014-2015 fiscal year. The budget has a number of tax reform proposals, including "modernizing" New York's estate tax law and closing what it refers to as the resident trust "loophole." Here are a few highlights of this draft legislation:

- **Estate Tax.** For decedents dying on or after April 1, 2014, New York would begin lowering its top estate tax rate of 16% (this currently applies to taxable estates just over $10 million), and increasing its $1 million estate tax exclusion amount; by April 1, 2017, the top estate tax rate would have dropped to 10%, and the exclusion amount would have reached $5.25 million. As of January 1, 2019, that exclusion amount would be indexed for inflation using the "cost of living adjustment," defined as the percentage by which the consumer price index (CPI) for 2018 exceeds the CPI for 2012; as of January 1, 2020, the cost of living adjustment would be the percentage by which the CPI for 2019 exceeds the 2018 CPI; in 2021, the adjustment would be the percentage by which the 2020 CPI exceeds the 2018 CPI, and so forth, in subsequent years. In addition, as of April 1, 2014, resident New York decedents would have to include "adjusted taxable gifts" (see below) made on or after that date in their New York *gross* estates if they were New York residents when they made the gifts; non-resident New York decedents would not include such gifts in their New York *taxable* estates unless the gifts were of real or tangible property located in New York, or of intangible property used in a New York trade or business.

  Comments. The memorandum in support of this legislation states that New York's estate tax is "woefully out of date," and that it gives wealthy New Yorkers an incentive to leave the state. In part, the legislation would address this problem by lowering New York's estate tax rate, and eventually raising its estate tax exclusion to the federal basic exclusion amount, which it cites as $5.25 million, indexed for inflation. Indeed, thanks to inflation-indexing, the basic exclusion amount was $5.25 million in 2013, and in 2014, it is $5.34 million – meaning that in 2014, a married couple can protect up to $10.68 million from federal gift or estate tax, assuming they haven't made any prior gifts that used up some of this exclusion (these are the "adjusted taxable gifts" referred to above). Thus, New York's draft legislation targets a number ($5.25 million) that is already stale. Nevertheless, the legislation would start indexing the New York exclusion for inflation as of 2019; presumably, its CPI references would successfully match New York's exclusion to whatever the federal exclusion then is.

  In addition, including certain lifetime gifts made on or after April 1, 2014 in the New York estate tax computation could definitely increase a decedent's New York estate tax, which generally doesn't reflect those gifts. It goes without saying that a New Yorker currently contemplating a significant lifetime gift might want to complete that gift prior to April 1, 2014, given this draft legislation. But New Yorkers who haven't yet made such gifts might be reluctant to do so – they may not want to, and may not even be a New York resident at death.

- **The resident trust "loophole."** The memorandum in support of this legislation explains that it would make two "improvements" to the taxation of trusts. First, it would tax distributions of trust income accumulated in prior years ("accumulation distributions") to New York beneficiaries of non-resident trusts (generally, trusts created by someone who was not a New Yorker) and of tax-exempt resident trusts (generally, trusts created by a New Yorker that are exempt from New York income tax because they

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have no New York trustees, no property located in New York, and no New York-source income). Second, the bill would eliminate a "loophole" that allows so-called incomplete gift, non-grantor trusts ("INGs" or "DINGs," if the trusts are created in Delaware) to completely avoid New York income tax; it would do so by making the trust a "grantor trust" for New York income tax purposes – meaning that the creator of the trust would be taxable on the trust's income for New York purposes, even though the creator is not taxable on that income for federal purposes. Although these proposals would be retroactive to January 1, 2014 if enacted, some transition rules would apply: accumulation distributions paid before June 1, 2014 would be exempt, and the ING rules would not apply to income from a trust that is liquidated before June 1, 2014.

Comments. This proposed legislation reflects recommendations from the Trusts and Estates section of the New York Bar Association that were included in the November 2013 report from the Tax Reform and Fairness Commission. According to the bill's supporting memorandum, the provisions would increase tax revenues by $75 million in fiscal year 2014-15, $225 million in fiscal year 2015-16, and $150 million annually thereafter. In other words, these proposals are perceived as money-makers. Yet whether that would indeed be the case remains to be seen: wealthy New Yorkers seem unlikely to view these changes as "improvements" to the taxation of trusts, but rather, as another reason to move out of New York.

January and February 7520 rates issued

The IRS has issued the January and February 2014 applicable federal rates: the January 7520 rate is 2.2%, an increase of 0.20% (20 basis points) from December's 2.0% rate. January's mid-term rates are also up slightly, and are: 1.75% (annual), 1.74% (semiannual and quarterly), and 1.73% (monthly). February's 7520 rate continues to climb: it is 2.4%, and the February mid-term rates are also up: 1.97% (annual), 1.96% (semiannual and quarterly) and 1.95% (monthly). December's mid-term rates were: 1.65% (annual), 1.64% (semiannual and quarterly), and 1.63% (monthly).

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EARTH'S SECRETS How might soil bacteria be affected by global warming?

BIOLOGISTS DIG DEEPER

Canada's new Biotron superlab contains miniature chunks of the natural world that will help us predict the impact of climate change on living organisms

BY LINDSAY BORTHWICK

A GROUP OF PLANT SCIENTISTS GATHERED IN VIENNA IN 2005 AT THE International Botanical Congress. The meeting was pretty much what you would expect until its conclusion, when the congress declared: "As a matter of urgency, facilities for controlled, ecosystem-scale experiments are required now." Without a better toolbox to study how the natural world responds to global climate change, "sustained human habitability of Earth" would be at risk.

Fortunately, just such a toolbox was already being designed by Norman Hüner, a Canadian biochemist and plant biologist. Hüner had begun work on his Biotron Institute for Experimental Climate Change Research in 1999. In early 2008 it will open its doors, the first facility in the

Annual per capita water consumption in the United States: 660,430 gallons. In China: 184,920 gallons

Peace in The Garden

LAST FALL IN THE GERMAN city of Kassel, a group of about 15 women harvested a bumper crop of pumpkins, squash, and wine grapes from a small community garden. Nothing unusual there, perhaps—except that the women were from Morocco, Afghanistan, Somalia, and the former Yugoslavia.

The "intercultural garden" in Kassel is one of about 100 in Germany, but the only one run entirely by women. (And after the gardeners had long discussions about the hazards of pesticides, its produce will be totally organic.) The gardens began in 1995, after a group of Bosnian women in Göttingen, waiting out the Balkan conflict, told social workers how much they missed the famous plum and apple orchards of Bosnia's Drina Valley.

There has been adversity along the way. A garden in Berlin had to be placed under police protection after it was targeted by neo-Nazi protesters. In Cologne the gates of another garden have been destroyed three times. And it isn't always easy to coax traditional crops such as Afghan mint, coriander, and Iranian leeks from the mineral-rich German soil. Yet the gardens thrive. Says Behoumi, a 31-year-old from Morocco, "Without the beauty of the garden I could not survive."

—ANGELA BOSKOVICH

DARLING KINDERSLEY, SOURCE FOR WATER FACT: WATER RESOURCES MANAGEMENT JOURNAL

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world that will allow researchers to re-create and study how a complete ecosystem, such as Arctic tundra or boreal forest, responds to climate change. The Biotron, Hüner says, is "as close as you can get to nature [in a lab]."

The Biotron will help integrate biology into the scientific study of global warming. Existing climate change models, says Hüner, are more about physics than biology; moreover, they describe changes that are happening to the planet rather than to particular habitats, species, or individuals. Scientists haven't been able to create predictive models, for example, of how changes in rainfall and temperature will affect soybean yields in the U.S. grain belt or butterflies in the Amazon basin, because, with a few exceptions, they haven't had the tools to measure the impact of climate change on living organisms.

Now there's a place where whole ecosystems can be scrupulously re-created and organisms scrutinized, from their DNA to their interaction with other organisms. With more complete data, scientists will be able to make better predictions—and their experimental findings could better inform policy makers, who might, for example, provide subsidies for crops that respond well to emerging climate patterns.

The Biotron may call to mind Biosphere 2, the large artificial habitat plopped down 20 years ago in the Arizona desert, where researchers tested in two separate "missions" whether humans could live sustainably in a sealed, self-contained environment as a precursor to colonizing outer space. The Biotron, scientifically speaking, is in a different league.

The superlaboratory is a joint project of the University of Western Ontario, the University of Guelph, Ontario, and Agriculture and Agri-Food Canada, a federal agency. The nondescript five-story building, located in the agricultural heartland of southwestern Ontario, is an engineering marvel, yet a bargain at just U.S. $28 million.

Inside are state-of-the-art facilities that support research into microorganisms, insects, and plants, all of which can be genetically modified to suit researchers' needs. Temperature in the Biotron's climate chambers can be varied from –40 degrees Fahrenheit to 122 degrees, to simulate anything from the Arctic winter to a tropical rainforest. On the roof of the building are six "biomes"—airlocked, greenhouse-like structures that have been custom designed to precisely control environmental factors such as temperature, UV radiation, light intensity, wind, precipitation, and CO_2. Each biome is large enough to house trees more than 30 feet tall and to allow for the re-creation of complex biological communities that can extend from the highest tree canopies to underground soil layers.

Researchers will vie for access to the Biotron much as physicists compete to use the world's few particle accelerators or astronomers the latest and biggest optical telescopes

If the possibilities seem endless, they nearly are. The plan is for the world's leading scientists to rotate in and out of the lab space, and the biomes will be regularly reconfigured. One such setup will use cross sections of Arctic permafrost, transported from northern Canada, so researchers can study how it reacts to rising temperatures: As the permafrost thaws, how much methane gas will be released? How will bacteria and overwintering insects be affected by changing freeze-thaw cycles? Scientists will design and study more temperate ecosystems, as well, to learn how changes in temperature and CO_2 affect the growth of photosynthetic organisms, including crops and boreal forest.

Biotron researchers will also be able to study the benefits and risks of biotechnology in agriculture, forestry, and medicine by examining the basic biology of genetically modified organisms: What is the rate of gene transfer from transgenic plants to wild ones? Can plants be engineered to manufacture medicinal compounds that will benefit humans?

The Biotron will be equipped with a sophisticated imaging and analysis system—a virtual control room—that will expand its reach globally, allowing researchers anywhere to manage and monitor experiments remotely over the Internet in real time. A scientist in India studying the impact of climate change on rice could instruct the Biotron to raise the temperature or CO_2 concentration in a biome set up to simulate a South Asian rice paddy. Then he or she could monitor the impact of this change through images and other data automatically collected and stored in a supercomputing network.

Researchers will vie for access to the Biotron in much the same way that physicists compete to use the world's few particle accelerators or astronomers the latest and biggest optical telescopes. Like them, it is a place for frontier science, where old models will fall and new and unexpected ones will arise—except that the goal is not to understand our cosmic origins but to influence our destiny.

Through personal care products, the average American child is exposed to 27 chemicals daily that have not been proven safe

Far From Nirvana

NEW YORK CITY'S AMITABHA Buddhists are full of good intentions. Last summer members of the group bought hundreds of eels, frogs, and turtles from the city's Chinatown markets and released them into New Jersey's Passaic River to save them from the dinner table. The problem: the state's Department of Environmental Protection has strict rules for the release of animals into its watersheds, and the group now faces fines for illegally introducing invasive species. To make matters worse, the animals may not survive. —ADAM SPANGLER

They Didn't Mean That

IN OUR FALL 2007 ISSUE, Howard Frumkin of the Centers for Disease Control warned that global warming was "perhaps the largest looming public health challenge that we face." On October 23, Frumkin's boss, CDC director Julie Gerberding, testified about climate change to the Senate Environment and Public Works Committee. By the time Bush administration officials were done reviewing her 12-page draft, it had been slashed to six. Among the statements cut: "The CDC considers climate change a serious public concern."

ABOVE: ILLUSTRATION BY STEVE NIKKOLSKAIA; RIGHT: PHOTOGRAPH FOR ONEARTH BY LUXI HOKENG; SERVICE FOR LIVEWALLS (TOP); ENVIRONMENTAL GROWING GROUP

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Date: Friday, June 22 2012 11:08 PM
Subject: From Christina: Fwd: Project in Haiti: CEFOTAJ, SA
From: Jeffrey Epstein <jeffreyepsteinorg@gmail.com>
To: [redacted]
CC: Jeffrey Epstein <jeevacation@gmail.com>; Cecile de Jongh <[redacted]>;
Attachments: DSC_0418.JPG; DSC_0419.JPG; DSC_0424.JPG; Cefotaj Business Plan Final 5-18-11(1).docx

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Dear Unik,

It was a pleasure to speak with you today. I have removed the press release from our website and it will be removed from PR newswire. My sincere apologies for any inconvenience.

As mentioned, I am forwarding you this project in Haiti which looks very inspiring. I am cc'ing Jeffrey and Cecile on this too.

My best regards and I will keep you posted on the press release removal from PR Newswire.

Sincerely,

Christina
Media/PR

---------- Forwarded message ---------
From: **Marlene Edme** <[redacted]>
Date: Fri, Jun 22, 2012 at 12:59 PM
Subject: Project in Haiti: CEFOTAJ, SA
To: Jeffrey Epstein <jeffreyepsteinorg@gmail.com>
Cc: [redacted]

Dear Mr. Epstein:

Please allow me to introduce myself. My name is Marlene Edme; I am the founder and President. .For above-mentioned organization and Yair Fatal is the Project Director. The organization was founded in 2007 with the mission of providing free technical skills in the garment industry to the people in the Southeastern department of Haiti. Following the earthquake, the living and economic conditions are deplorable. More than ever, CEFOTAJ wants to double its effort to help the community of Jacmel out of desperation by providing the youth with valuable sustainable skills. With a trade under their belt, the youth will be more confident while seeking employment.

We have obtained our 501 - C (3) in 2008 and have recently received the approval of the Haiti's Department of Planning to be a non-governmental organization (NGO). The organization's building that will house the school is currently under construction.

Based on our research, we found that you are very committed to helping Haiti. The purpose of this correspondence is to solicit The Jeffrey Epstein VI Foundation assistance with grant coordination and facilitation to help our organization get off the ground. With potential help from the international community, we believe that the project would be rewarding for the citizens of the city of Jacmel and in line with the requirements of the Haiti Reconstruction Plan and President Obama recent legislation of the "Hope" law.. Please find enclosed a copy of the project which provides detailed information about the curriculum for the different programs that the school will offer. We trust that you will find this to be an interesting project with

great potential.

If you require additional information, please feel free to contact us at [redacted] or [redacted]. We look forward to hearing from you.

Sincerely,

Marlene Edme
President

CEFOTAJ Business Proposal

Jacmel, Haiti

PO Box 666 Brentwood, NY 11717 • Phone (631) 273-4100 • Fax (631) 273-4111 • yair@cefotaj.org • www.cefotaj.org

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Executive Summary

For Haiti to become an economically independent nation from donors and foreign aid there needs to be support for private industry to establish itself and flourish. At one point in its history, Haiti was a market leader in the textile industry supplying quality products. Currently there is an opportunity to provide sustainable employment for Haitians with the right training to develop an industry to serve as a catalyst to catapult the country out of the stigmatism of a third world country. There is a need for work to be done, such as construction of homes, infrastructure, etc.

Haiti is one of the lowest-income countries in the Western hemisphere. The country has problems with AIDS, crime, drug trafficking, etc. (CIA, 2010). On January 12th, 2010, an earthquake destroyed the capital of the country and worsened the overall situation of Haiti. The total loss was estimated around $11.5 billion; however, the country still needs more time to rebuild (U.S. Department of State, 2010). The majority of the donor countries worry about Haiti becoming a burden throughout the years without any positive results (Novacek et. al, 2008). The country has both positive and negative sides.

This business plan includes secondary data. Secondary data was selected from academic, government, news resources or based on extensive research by those with experience in dealing with Haiti. Considering retrieved data, the plan focused on the following aspects:

- Past and current situations in Haiti;
- A critical needs assessment of Southeastern area of Haiti;
- Our plan for investment in Haiti

After the detailed investigation of the authoritative sources and critically evaluating information, CEFOTAJ has concluded the following:

- Haiti has a potential for investment in the area of apparel/clothing.
- Establishment of our trade/learning school will facilitate and foster future investments within the country via job and economic growth in the southeastern area.
- Despite its economic situation, the country attracts foreign investments and investors.
- Foreign investments and aid allow restoring the country quicker.
- Foreign investments positively affect the country.

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Introduction

Background

Investment into another country or internalization is a very important and scrupulous decision that a business has to make. As a rule, developing countries seek to attract investors in order to gain FDI (Foreign Direct Investment) and acquire technology. Mainly, the investors seek for variety of factors when going international.

These factors include the following:

- an area's business climate; education and training strengths;
- labor unionization; attitudes of local and state governments;
- available incentives;
- community attitude;
- commuting distance;
- transportation costs and proximity to roads;
- availability of transportation facilities;
- labor productivity and attitude toward productivity;
- cost of labor;
- availability of skilled and unskilled labor;
- availability and transfer of qualified technicians and managers;
- land availability and cost; cost of construction; proximity and access to markets;
- availability and cost of utilities;
- cost of living;
- tax structures and rates;
- insurance considerations;
- financing opportunities;
- banking services;
- social and cultural climate;
- quality of life;
- local and physical infrastructure;
- proximity to suppliers/resources;
- access to raw materials; CEO ownership preferences;

Haiti (Republic of Haiti) is not a very easy place to invest. The country has a very unstable social and economic situation. It experienced a massive 7.0 earthquake and several subsequently large tremors, which led to the deaths of many citizens in January 2010. Currently, the country is experiencing problems with cholera, AIDS, high crime rates, high unemployment, and high illiteracy among other things. According to CIA Factbook Report (2010), 80% of the population lives "under the poverty line and 54% in abject poverty".

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Country Profile Background

General Geographical and Macroeconomic Situation

Haiti (Republic of Haiti) is located on the western part of the island of Hispaniola (Greater Antillean archipelago in the Caribbean Sea). Haiti shares the island with the Dominican Republic. The geographical characteristics are follows:

- Area: total: 27,750 sq km; land - 27,560 sq km; water - 190 sq km;
- Area—comparative: slightly smaller than Maryland
- Climate: tropical; semiarid where mountains in east cut off trade winds
- Terrain: mostly rough and mountainous
- Natural resources: bauxite, copper, calcium carbonate, gold, marble, hydropower
- Items imported: Haitian rum, beer, cigars, furniture, etc.
- Literacy rate - 53 percent
- Land use: arable land- 20% permanent crops - 3%; permanent pastures - 18%; forests and woodland- 5%; other- 44%.
- Natural hazards: lies in the middle of the hurricane belt and subject to severe storms from June to October; occasional flooding and earthquakes; periodic droughts;
- Environment—current issues: extensive deforestation (much of the remaining forested land is being cleared for agriculture and used as fuel); soil erosion; inadequate supplies of potable water
- Environment—international agreements: party to: Biodiversity, Climate Change, Desertification, Law of the Sea, Marine Dumping, Marine Life
- More than two-thirds of the population live on less than $1 per day
- Approximately 58 percent of the population is less than 25 years old.
- Haiti ranks 154 of 177 countries in the UN's Human Development Index (CIA, 2010; USAID, 2009; The World Bank, 2010).

Light manufactures ($165.1 million); fuel and lubricants ($651.8 million), essential oils ($17.8), mango ($10.0 million), cacao ($7.4 million) were the main exports. U.S. (69%), Dominican Republic (10.2%), Canada (3%), and Mexico (2.8%) were the main countries of exports. U.S. (43.8%), China (5.4%), Brazil (4.1%), Colombia (2.9%) were the main countries of import to Haiti in 2008. The country had mainly imported fuel and lubricants ($651.8 million), food ($616.9 million), manufactured goods ($242.7 million), and machinery/ transport equipment ($187.7 million) (CFI, 2009).

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U.S. and Haiti Relationship

Long-term relationships between the U.S. and Haiti have been developed. First of all, the country has a very good geographical location. Port-au-Prince is less than 2 hours by air from Miami (approximately 600 miles southeast of the coast of Florida). Moreover, there are flights to New York and Fort Lauderdale. Secondly, English is well known in the country. Majority of the Haitian businesspersons speak English and it is possible to pay for the products in US dollars. Currently, there are some U.S. companies, including commercial banks, telecommunications, airlines, oil and agribusiness companies, and U.S.-owned assembly plants are present in Haiti (US Department of State, 2010; CIA, 2010).

The economic situation was largely dependent on the U.S. and entire world's financial aid. For example, the U.S. contributed more than $850 million of financial aid from 1995 to 2003 to improve governance, security, the rule of law, economic recovery and critical human needs. From 2004 to 2008, the U.S. provided $600 million of financial aid. Moreover, The World Economic Forum ranked Haiti last in its 2003 Global Competitiveness Report (Global Security, n.d.; CFI, 2010). That is why World Bank Donors (U.S., Canada, EU, France, Sweden, Spain, Germany, Japan, Switzerland, Greece, Norway, Mexico, and Ireland) provided $1.085 billion from 2004 through 2006 to address humanitarian needs (U.S. Department of State, 2008).

Haiti before the Earthquake in 2010

Haiti had been the least-developed country in the Western Hemisphere since the 1980s. The economic stagnation of the country was a result of inadequate economic policies, political instability, shortage of arable land, environmental deterioration, lack of investment in human resources, migration of majority of skilled citizens, weak national savings rata, lack of functioning judicial system, corruption, reliance on traditional technologies instead of applying the new ones, drug trafficking, etc. (U.S. Department of State, 2008). A variety of the sources (U.S. Department of State, 2000; PRS Group, 2002; World Bank, 2004; Icon Group, 2007; Infomat, 2008; CFI, 2010) identified that Haiti had low trade with the foreign countries between 1990 and 2004 due to the political instability. Therefore, there were a limited number of foreign investors in Haiti. Later on, the political situation stabilized.

Generally, Haiti had a positive attitude towards foreign investors. There were no economic or industrial strategies with discriminatory effect, e.g. nationality. The Haitian banking system is open to the entry and operation of foreign banks. At present, there are two foreign banks operating in Haiti: Citibank and Scotia bank (PRS Group, 2002; Investment Overview, 2007).

The Government of Haiti has made several commitments to the world trade organization in the financial services sector as follows:

- Allow foreign participation in deposit taking, lending, guarantees and commitments; in financial leasing; in underwriting services, including participation in the issuance and placement of securities; and in advising and auxiliary services for each of the above-mentioned services.

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- The tax code includes a withholding tax provision that discriminates against foreign investors (PRS Group 2002, PRS Group 2003, PRS Group, 2005, PRS Group, 2009; USAID, 2006).

As a rule, investment in "sensitive" sectors, such as electricity, water and telecommunications require special government concession. Investment in the public health sector requires authorization from the Ministry of Public Health and Population. Investment in agriculture is subject to the Ministry of Agriculture's approval. Exploiting mineral and energy resources require permits from the Office of Mining and Energy. Besides, natural resources are considered as the property of the country (PRS Group, 2009; Schaaf, 2009).

Haiti after the Earthquake in 2010

The January 12th, 2010 earthquake had inflicted massive human and financial damage to the country. The natural disaster damaged homes, commercial & government buildings, cities infrastructure, and took many people lives. The estimated monetary loss is $11.5 billion (U.S. Department of State, 2010).

According to the World Bank report (2010), 70% of the total damage and losses were done in the private sector. Therefore, this has lead to the loss of production, reduction in revenues, loss of jobs and wages, increase in production cost, etc. Additionally, the job market experienced 8.5 % of pre-earthquake jobs decrease due to devastation.

Ninety percent of businesses are informal in Haiti; ninety-five percent of businesses are SME (Small and Medium sized Enterprise). Business people indicated having various problems due to the natural disaster. Some of them lost their houses and facilities; therefore, they do not have money for rebuilding all the facilities. However, a vast majority of businesses do not pay taxes and do not contribute to the countries' official GDP (Investment Facilitation centre, 2010).

Government Role in Economy

Generally, government's role in the economy is minimal. There are several government subsidies and price controls; however, goods are mainly traded at market prices. Considering the fact that there are over 70 % of imports in Haiti, the Haitian government has eliminated tariffs and non-tariff barriers in order to liberalize trade (CIA, 2010; World Bank, 2010; PRS Group, 2009).

At the same time, there is a project for creating several trade free zones and exclusion from the taxes of the foreign investors (PRS Group, 2009.

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Project Overview

Description

Haitian manufacturing has been well known in the world. As recently as the mid 1980's, Haiti was known as the staple for baseball production. After labor unrests occurred, corporations moved their operations out of Haiti to China and other countries. Haiti went from employing 150,000 workers in the textile industry to a current level of 20,000. Haiti occupies the lowest ranks in the world's ranking among the countries. As a rule, the country is perceived as politically unstable, being subject to various natural disasters, and having increasing security problems. For example, the political difficulties related to the Presidential election had led to the suspension of funding for major infrastructure rehabilitation by most international and bilateral donors.

The Centre de Formation Technique pour L'Avancement des Jeunes du Sud-est (CEFOTAJ) was created by members who trace their roots to the beautiful city known as Haiti's cultural center to increase general awareness of the dangers facing idle young women and men. The city, a population of 60,000, is considered a major production center of arts and creativity and is determined by CEFOTAJ members as the ideal location to establish a trade school.

In support of the Government of Haiti's National Action Plan to produce centers of economic development outside the capital of Port-au-Prince, CEFOTAJ plans to ensure Haiti's future development by bringing much needed training skills for the textile industry to support the creation of jobs to Haiti's underserved regions.

Based on our target group of attracting over 100 youths with 75 enrolling and being trained for the project, we have formulated a free association questionnaire that we would pose to individuals within the community in order to assess whether the community believes this avenue of job skill creation would be fruitful. The following questionnaire would be utilized to engage the community in open ended discussions about their future and viability of a successful training center:

.

Survey Questionnaire

1. **A job training center in our community would** _____
2. **Without a job I believe** _____
3. **The textile industry in Haiti has** _____
4. **I would like** _____ **to occur in my community.**
5. **The young people in the Jacmel community** _____

The establishment of a training center would seek to achieve the following goals;

HOUSE_OVERSIGHT_019455

- Mobilize the local population
- Workers technically trained for couture
- Promotion of couture in Haiti
- Establishment of a major element in the structure for bringing the assembly industry into the area
- Strengthening of institutional structures

SWOT Analysis

When considering market entrance strategy for the business, there were several opportunities and threats that were considered before starting the business or investing in this Haitian industry. The SWOT analysis was based on information provided in the secondary sources (PRS Group, 2009, Schaaf, 2009, The World bank, 2006; The World Bank, 2010; Investment Overview, 2007; CFI, 2010; Economy watch, n.d.; Ozdenli & Bennet, 2007; Icon Group, 2007; Novacek et. al, 2008)

STRENGTHS	WEAKNESSES
• Low cost of production • Possibility to outsource the services • High demand for work • Tax exclusion • Positive legal and regulatory environment • Geographical proximity compared to China • Previous experience with foreign partners • Skilled professionals speak three languages (French, English, and Spanish). • The country's population is quite young (43% under 15 years, 4% above 65 years)	• Lack of professionals • Bad overall situation in the country • Dependence on the world's aid • Corrupted environment & shadow economy • Low literacy rate • Underdeveloped transport, city, rural, telecommunication, etc. infrastructure • Haiti experiences many natural disasters (flooding, earthquake, draught, etc.) • Great dependence on foreign aid and imports • Enormous rich-poor gap (1% of society owns 44% of the wealth)
OPPORTUNITIES	**THREATS**
• Incorporate the best creative minds from Haitian Community • Presence of financial partners to support the new investment project • Haitian Diaspora in the U.S. is concerned about Haiti and willing to help	• Unstable political situation & Reliance on foreign aid • Insecure country with unequal access to the police protection and security services to all people in Haiti • Change in the regulations to less favorable ones • Corruption, Money laundering activities

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Results

Research and Market (2010) research identified the global plan of South Korean company, Sae-A Trading Company Limited, that has built an industrial park and garment making operation in Haiti with the financial support of the World Bank's IFC financing arm and the U.S. State Department. This has provided an initial 20,000 people jobs. Furthermore, A USAID funded Apparel Training Center opened its doors in August 2010 to assist in the training of individuals to rebuild the industrial garment industry in Haiti. Both projects have received the full backing of the Haitian government as well as the U.S. government.

There were various investigations and researches aimed to identify the best areas to invest and market opportunities in Haiti. In order to combine and identify the main trends, the most reliable and authoritative sources were selected and investigated. The list given below provides the summary of the findings:

- Apparel sector, agribusiness, electronics (US Trade and Developing Agency cited by Fagenson, n.d.);
- Apparel, agribusiness, and tourism (Haitian Investment Facilitation Center, 2010);
- Apparel (Research and Marketing, 2010);
- Development and trade of raw and processed agricultural products; medical supplies and equipment; rebuilding and modernizing Haiti's depleted infrastructure; developing tourism and allied sectors--including arts and crafts; and improving capacity in waste disposal, transportation, energy, telecommunications, and export assembly operations (U.S.. Department of State, 2008).
- Apparel, telecommunications, reforestation, agribusiness, call centers (Clinton, 2010).

According to Caribbean Basin Trade Partnership Act (CBTPA) act, a U.S. company has duty-free export of many Haitian products assembled from U.S. components or materials. Therefore, U.S. companies can outsource labor force from Haiti and experience exclusion from taxes in Haiti. Moreover, they would have less transportation expenses if compared to China, Vietnam, or Taiwan. The HOPE and HOPE II (Haitian Hemispheric Opportunity through Partnership Encouragement) Act is another positive legal document for the businesses from the U.S. According to this act, there are additional duty-free preferences for qualifying apparel/textiles products and automotive wire harnesses.

Additionally, The Haitian Economic Lift Program (HELP) Act that was passed in May 2010 expands the duty-free treatment of imported apparel made in Haiti or the Dominican Republic. These new regulations are developed to attract large corporations and apparel manufacturers, especially from South Korea and Brazil (U.S. Department of State, 2010; PRS Group, 2005; Research and Markets, 2010).

HOUSE_OVERSIGHT_019457

After detailed evaluation of the overall situation in the country and methods of community development, CEFOTAJ came to the following expected results indicated in the following sections:

Training Plan

This project's goal is to improve the living conditions of urban young people. It aims specifically at the establishment of new social structures for youth. This project consists particularly in training them in handling of scissors, cutting of canvas, training in patterns, use of the computer in couture, and the use of specialized sewing machines. The project will be implemented in Jacmel.

A solid structure will be established to work on complete implementation of the project, which will be carried out by CEFOTAJ. The project will be managed by the administrative committee of CEFOTAJ. The goal of the Center is to instruct individuals in almost all facets of the textile industry in relation to working in a factory. Students will be trained efficiently and effectively to the following techniques:

- Handling of scissors
- Cutting of canvas
- Preparation of patterns
- Use of the computer in sewing
- Use of specialized sewing machines
- Finished product for the international market
- Evaluation and adjustment of the finished product
- Quality of garments according to the seasons

The center has formulated a plan to devise students into three distinct groups to be trained in. Students accepted to the center will be developed via one of the following:

- Young people who have no knowledge of garment-making. Their training will last for one year.
- Young people who already have some knowledge of garment-making. Their training will last for nine months.
- Young people who are interested in haute couture. This is a three-year training program.

The trainees will not be charged entrance fees or monthly payments. However, they will have to obtain the tools necessary for their training.

The trainees will be chosen on the following bases:

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- Level of education: primary school equivalency for the first two groups
- Completion of secondary-school equivalency for the third group
- Admission examination designed to evaluate the applicants' understanding of geometric and mathematical concepts
- Age level: 18 to 35

A certificate will be issued to students who pass the final examination after completing their training. The list of new garment-industry workers will be given to entrepreneurs looking to hire workers. The project has a term cycle of three years at which point a full assessment will be reviewed in preparation for future subsequent cycles.

Execution Schedule

Activities	**M1**	**M2**	**M3**	**M4**	**M5**	**M6**	**M7**	**M8**	**M9**	**M10**	**M11**	**M12**
Mobilization	XXXX											
Recruitment			XXXX									
Training					XXXXXXXXXXXXXXXXXXXXXXXXXXXX							
Monitoring and evaluation	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX											
Annual report										XXXXXXXXX		

Forecasted Budget

The total operating cost of the project is estimated at US$359,731.

The financing will be obtained as by contributions by members of the organization, grants by philanthropists interested in such projects, companies that specialize in assembly, under conditions that comply with the regulations and bylaws of the NGO, and by international financial backers interested in the development of Haiti.

The listed prices on schedules C, D, and E represent an on average estimate based upon utilizing marketplace prices for items quoted within the United States as well as the professional experience of the President of the organization. Schedules A and B were determined based on a blend of Haitian labor rates as well as some influence from US labor rates. The budgeted amounts for labor are considered heavily competitive within the Haitian workforce.

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The costs, which are listed in **USD**, are broken down as follows:

A. Administration	Amount	Unit Price (per month)	Total (per year)
Secretary	1	$400	$4,800
Instructor	5	$500	$30,000
Security guard (morning/evening)	2	$150	$3,600
Technician for maintenance	1	$400	$4,800
Cleaning person	3	$125	$4,500
Program Director	1	$4,000	$48,000
Executive Director	1	$3,000	$36,000
Total	**14**		**$131,700**

B. Current Expenses	Amount	Unit Price (per month)	Total (per year)
Wired telephone	2	$75	$1,800
Electricity		$300	$3,600
Drinking water		$60	$720
Internet		$125	$1,500
Television		$150	$1,800
Total			**$9,420**

C. Furniture	Amount	Unit Price	Total
Pattern tables	4	$300	$1,200
Computer tables	4	$200	$800
Metal folding chairs	320	$25	$8,000
Office chair	6	$75	$450
Ordinary desk	6	$300	$1,800
Large filing cabinets	6	$400	$2,400
Small filing cabinet	4	$100	$400
Blackboard	4	$50	$200
Total	**354**		**$15,250**

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D. DIDACTIC MATERIAL	Amount	Unit price	Total
Whole computer	4	$800	$3,200
Calculator	12	$20	$240
Ruler 18"	6	$7	$42
Ruler 36"	6	$25	$150
Ruler 48"	6	$18	$108
Ruler 60"	6	$22	$132
Ruler 72"	6	$28	$168
Regular compass	12	$4	$48
Square large	6	$22	$132
Square small	6	$18	$108
Tape measure	12	$2	$24
Hip curve 24"	6	$16	$96
Hip curve 18"	6	$15	$90
Hip curve 12"	6	$14	$84
Iron + Table	4	$600	$2,400
Scissors 6"	12	$15	$180
Scissors 8"	6	$20	$120
Scissors 10"	6	$26	$156
Scissors 12"	6	$32	$192
Pattern scissors	6	$39	$234
White paper for patterns (rolls)	72	$48	$3,456
Green paper for patterns (rolls)	10	$460	$4,600
Cleaning scissors (small)	12	$6	$72
Cutter for Information cards	48	$30	$1,440
Pattern cutter	6	$52	$312
Pattern notcher	12	$26	$312
Total	**300**		**$18,096**

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E. Other accessories	Amount	Unit price	Total
Regular sewing machine	25	$500	$12,500
Regular Merrow Machine	5	$1,200	$6,000
3 thread Merrow Machine	3	$1,300	$3,900
5 thread Merrow Machine	3	$1,300	$3,900
Double needle sewing machine	3	$1,200	$3,600
Button hole machine Reg	2	$3,000	$6,000
Elastic machine	2	$1,000	$2,000
Regular elastic machine	2	$1,250	$2,500
Hemming machine	3	$900	$2,700
Merrow Machine for delicate sewing	3	$2,200	$6,600
Special Buttonhole machine	2	$3,500	$7,000
Half body dress form size 4	3	$400	$1,200
Half body dress form size 6	3	$400	$1,200
Half body dress form size 8	3	$400	$1,200
Sleeves for all shapes	24	$45	$1,080
Special attachment for machine	42	$16	$672
Special attachment for fine wheel	18	$16	$288
Magnet	25	$3	$75
Full body dress form 4, 6 and 8	9	$550	$4,950
Full body dress form large size 16/18	2	$600	$1,200
Full body dress form large size 20	2	$600	$1,200
Full body children dress 3T, 6T, 8T, 12T	10	$450	$4,500
25 kW Generator	2	$1,500	$3,000
5 kW Inverter	2	$4,000	$8,000
Solar panel (pallets of 8)	2	$15,000	$30,000
Double cabin pick-up	2	$35,000	$70,000
Total	**202**		**$185,265**

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HOUSE_OVERSIGHT_019464

From: Peggy Siegal [redacted]
Sent: 3/7/2013 2:03:11 PM
To: jeevacation@gmail.com
Subject: Fw: Oscar Diary

Importance: High

I am struggling thru this. It is so late already. I am so stressed out. Will finishe is in a day or two.. I can not write about the Katzenberg party. Maybe can just mention is happened in my hotel. But the reason to go was to support Katzenberg and network. More to come. Peg

----- Original Message -----
From: Peggy Siegal
Sent: Thursday, March 07, 2013 08:51 AM
To: Peggy Siegal
Subject: Oscar Diary

It's Thursday morning on Wilshire Boulevard and the Academy of Motion Pictures Arts and Sciences has just opened it's doors for ticket pick-up for the 85th Oscar telecast.

Forty voting members, the distinguished director Norman Jewison and I are on a long single file line that snakes thru the lobby patiently waiting to go upstairs to pick up our tickets. My seats were awarded via a lottery system. We clutch our photo I.D.

Suddenly, a messenger slips in wearing a smart khaki windbreaker and cuts through the line. He announces to the uniformed guard in a stage whisper, "Dreamworks", and as if Steven Spielberg himself had just delivered the Gettysburg address, is ushered upstairs.
That is the final act of social justice of the "Lincoln" campaign.

I am sleep deprived and jet lagged having just spent six hours on a flight sitting next Paula Wagner who is Tom Cruise's ex-agent turned Broadway producer for Jessica Chastain's "The Heiress". We discuss Jessica's not so great chances to beat Jennifer Lawrence for Best Actress. I mention Harvey Weinstein's concern about Emmanuel Riva's last minute surge. The French phenomena doesn't speak English, has never been to L.A. and it's like voting for a ghost, even on her 86th birthday.

This is the year I got phone calls in September from top studio executives announcing each are winning the Oscar. Their euphoric giddiness is due to the quality of the films resulting in the priciest oscar campaigns on record and astounding audience support at the theaters.

Seven of the nine best picture nominees have taken in well over $100 million at the domestic box office to date, but it's the worldwide numbers in the millions that are staggering.

Twentieth Century Fox's "Life of Pi" caused a tsunami at $595,
Universal's "Les Miserables" scored $412, the Weinstein Cos.' "Django Unchained" whipped up $395,
DreamWorks' "Lincoln" delivered at $254, Warner's "Argo" captured $219, Weinstein's "Silver Lining Playbook" danced to $187 and Sony's "Zero Dark Thirty" killed at $107 million.

In comparison, Sony Classics' "Amour" received $19 and Fox Searchlights' "Beast of the Southern Wild" worked up $19 million.

Hugh audiences having actually seen the films this year have an ear for the nuances of the Oscar race and everyone including Ben Affleck follow the bloggers religiously.

So by Thursday morning on line at the Academy the informed buzz was as follows: "Argo" takes best picture because is was most entertaining. The director snub to Ben Affleck was a Godsend as George Clooney's advice came from far away Berlin where he was in pre-production on "The Monuments Men". Warner's president Sue Kroll kept the campaign clean and calm on the home front.

"Lincoln's" victory is Daniel Day Lewis from day one of shooting, no pun intended. The suggestion that Obama is our answer to Lincoln was interesting. Voters knew Obama secretly hosted three screenings in the White House, but they weren't invited. The Hollywood Foreign press were the biggest winners with Bill Clinton's surprise appearance on their broadcast. DreamWorks' ran an impeccable patriotic campaign that the media ate up.

The best director race had the most drama. Hollywood dreaded Spielberg loosing to Ang Lee. (Eventually everyone was thrilled Steven was anointed president of the Cannes Jury for 2013 the day after the awards show.)

The voters knew beloved Ang Lee's three year boat ride was the technical miracle. Fox's $595 million international box office blew in the win.

Harvey Weinstein having three horses running is always the most talked about. His loquacious Quentin Tarentino was a lock for screenplay. Best supporting actor was a total toss up with a sentimental edge

to Robert DeNiro. We even applauded Bob putting his handprints in cement in front of Grauman's Chinese Theater.

The conversations continued about how our government put the cabasch on "Zero Dark Thirty" with their arrogant denial of enhanced interrogation. Even MPAA President Chris Dodd could not help Mark Boal, Katherine Bigalow and Amy Pascal.

Additional chatter was the renewed last minute love for "Les Miserables". Clearly the most polarizing film in the race, this 27 year old theatrical musical seen by 60 million fans is now the talk of the Oscar weekend.

Hugh Jackman, Anne Hathaway, Russell Crowe, Amanda Segfried, Eddie Redmayne, Sasha Baron Cohen, Helena Bonham Carter and Samanthe Barks are making an historic one time live performance as part of Sunday's television broadcast. Producers Craig Zadan and Neil Meron's will attempt to razzel dazzel us with an homage to movie musicals for three plus hours at the Dolby theater.

Barbra Streisand, Adele and Shirley Basse's appearances also create high anxiety and a blood bath for tickets...hence the hysteria created by DreamWorks' messenger cutting the line.

After checking into the iconic Beverly Hills Hotel, my home away from home for 30 years of Oscar weekends and meticulously laying out all the ensembles sent from Valentino and Ralph Rucci, I hit the party circuit overdressed for life.

Daisy... I can do this...fairly easily now...but I have a lunch at 12:30pm and important meetings. I am so distraught about all this pressure. I am calling you now. Peggy

From: Darren Indyke [redacted]
Sent: 1/14/2015 11:43:26 PM
To: Jeffrey Epstein [jeevacation@gmail.com]
Subject: Bill Clinton pictured with Jeffrey Epstein's social fixer at Chelsea's wedding | Daily Mail Online
Attachments: WebPage.pdf; Untitled attachment 272040.htm

Importance: High

Privileged - Redacted

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http://www.dailymail.co.uk/news/article-2906981/Bill-Clinton-pictured-Jeffrey-Epstein-s-social-fixer-Chelsea-s-wedding.html

EXCLUSIVE: Bill Clinton pictured with Jeffrey Epstein's social fixer at Chelsea's wedding AFTER severing links with disgraced pedophile

- **Ghislaine Maxwell is accused in court papers of procuring girls for her former boyfriend Jeffrey Epstein which she vehemently denies**
- **Bill Clinton had ties to Epstein, who flew the ex-president to Africa on his private jet before the allegations were made**
- **Epstein was arrested in 2006 and was sentenced to 18 months in jail in 2008, serving 13 months**
- **Clinton did not cut ties to Maxwell and she was a guest at Chelsea Clinton's wedding in 2010**
- **Rarely-pictured Jeffrey Epstein has kept a low profile and eschewed public events**
- **But he was pictured with ex-lover Ghislaine Maxwell on March 15, 2005 at a New York charity bash**
- **That same day, Palm Beach cops launched an investigation into Epstein and allegations of sexual offences with underage girls**

By Sara Nathan For Dailymail.com

Published: 09:42 EST, 13 January 2015 | **Updated:** 13:47 EST, 13 January 2015

This is the society fixer alleged to have helped find underage girls for pedophile billionaire Jeffrey Epstein - helping Bill Clinton celebrate his daughter's marriage.

Ghislaine Maxwell was photographed at the former First Daughter's glittering July 2010 wedding to Marc Mezvinsky - despite Epstein having been convicted of soliciting underage girls.

Clinton had cut ties to Epstein after his arrest over allegations of sex with girls as young as 14.

But this photograph shows that he maintained close ties to Maxwell, who is accused in court papers of procuring underage girls for Epstein, her former boyfriend, as she smiles as President Clinton walks a beaming Chelsea down the aisle.

SCROLL DOWN FOR VIDEO

Friends in high places: Ghislaine Maxwell is a good friend of President Bill Clinton and can be seen on the right at his daughter Chelsea's wedding in July 2010

Maxwell, now 50, attended the wedding in Rhinebeck, NY, on July 31, 2010, with the cream of

Washington D.C.

Described as feeling like a 'family wedding', guests included former Secretary of State Madeleine Albright, Terry McAuliffe, Governor of Virginia, and leading figure in the civil rights movement Vernon Jordan.

For Maxwell to remain a Clinton chum is an interesting turn of events.

Just two years earlier, her former lover and friend Jeffrey Epstein was sentenced to 18 months behind bars after pleading to a single state charge of soliciting prostitution. He served 13 months in prison.

President Clinton had been so close to both to Epstein he had joined him on his private jet and stayed on his private Caribbean island.

Speaking to the Mail On Sunday in 2011, Virginia Roberts - who claims in court papers she was kept as Epstein's 'sex slave' and forced to sleep with Prince Andrew three times - said she met President Clinton twice, but was never 'lent out'.

Buckingham Palace vehemently denies the claims, as does Maxwell. Her legal team stresses she was not involved in, or connected to the criminal proceedings against Epstein and with regards to Virginia Roberts' claims, they stressed she denies each and every allegation.

Virginia, now a married mother of three, claimed that President Clinton traveled with Epstein to a number of destinations, including three times on the billionaire's private jet, and enjoyed intimate dinners with both him and Maxwell.

On one occasion, she said that Epstein flew the former President, Hollywood actor and staunch Democrat Kevin Spacey and another actor friend of Mr Clinton's, Chris Tucker, to Africa, to 'discuss AIDS policy'.

Epstein, who has donated more than £75,000 over the years to candidates from the Democratic Party, also flew with President Clinton in November 2003 to destinations including Russia, Oslo, Hong Kong, Shanghai and Beijing.

On one occasion, she alleged, Epstein did invite two young brunettes to a dinner which he gave on his island for President Clinton shortly after he left office. But, as far as she knows, the ex-President did not take the bait.

Maxwell declines to comment on Prince Andrew allegations

Mysterious: Ghislaine Maxwell beams as her ex-lover, disgraced billionaire Jeffrey Epstein

hugs her as they attend a Manhattan bash on March 15, 2005 - the same day Palm Beach police launched an investigation into his abuse of underage girls

‘I’d have been about 17 at the time,’ she said: ‘I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill in a huge black helicopter that Jeffrey had bought her.

‘She’d always wanted to fly and Jeffrey paid for her to take lessons, and I remember she was very excited because she got her licence around the first year we met.

'I used to get frightened flying with her but Bill had the Secret Service with him and I remember him talking about what a good job she did.

‘I only ever met Bill twice but Jeffrey had told me that they were good friends.

'I asked, “How come?” and he laughed and said, “He owes me some favours.” Maybe he was just joking but it constantly surprised me that people with as much to lose as Bill and [Prince] Andrew weren’t more careful.'

She said that when dining that night, Maxwell sat at President Clinton's left, while they were joined by two 'olive-skinned brunettes' who had been flown in from New York.

Virginia claimed: 'I’d never met them before. I’d say they were no older than 17, very innocent-looking.

‘They weren’t there for me. They weren’t there for Jeffrey or Ghislaine because I was there to have sex with Jeffrey on the trip.

‘Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny

'He made me laugh a few times. And he and Jeffrey and Ghislaine told blokey jokes and the brunettes listened politely and giggled.

Star of the night: Rod Stewart and his wife Penny at the Cipriani Wall Street event, where he performed in front of a crowd including Ghislaine Maxwell and Jeffrey Epstein

New York elite: Padma Lakshmi (left) and Sean Lennon (right) both attended the Cipriani Wall Street event

Indeed, the trio were so close that DailyMail.com told last week how Epstein kept 21 numbers for President Clinton in his contacts book, under the name of his adviser Doug Band.

As Virginia Roberts' astonishing claims have made headlines around the world, it was reported last week that President Clinton's continuing friendship with Maxwell has caused a rift between him and his wife, potential Presidential candidate Hillary Clinton.

However, the pair were pictured looking cosy together as they left the funeral of former New York Governor Mario Cuomo.

Epstein and Maxwell met shortly after she moved to New York in the 1990s following the death of her father, shamed newspaper tycoon Robert Maxwell.

And they remained just as close even after an initial romance faded.

For Epstein, Maxwell was a useful conduit to some of the most powerful people in the world, from PresidentClinton to Prince Andrew.

Close: Not only was Ghislaine Maxwell friends with Prince Andrew, but his ex-wife Sarah Ferguson as well. The pair are pictured together at the opening of the Asprey Flagship Store on 5th Avenue on December 8, 2003, in New York City

Allegations: Ghislaine Maxwell is accused of 'facilitating Prince Andrew's acts of sexual abuse by acting as a madame for Epstein'. Above, Miss Maxwell looks on as Prince Andrew smiles with Virginia Roberts in 2001

While Maxwell became used to the luxuries that Epstein could afford her, trips by private jet and his very own Caribbean island.

Rarely photographed or seen out in public unlike his friend Maxwell, Esptein was however pictured with the brunette as they partied the night away on March 15, 2005, at a Manhattan charity event featuring singer Rod Stewart.

But as they socialized with the cream of Manhattan society, including CBS President Les Moonves, his wife Julie Chen, Sean Lennon and Padma Lakshmi, at the Wall Street Rising event, Epstein, now 63, and Maxwell, would have been entirely unaware of a police probe that was launched that very day.

In May 2006, a 'probable cause affidavit' revealed that Epstein was the subject of an 11-month undercover investigation by police after a complaint in 2005 from the stepmother of a 14-year-old girl, who claimed she was paid $300 to give him an erotic massage at his flamingo-pink villa in Palm Beach.

Close: Ghislaine Maxwell with Jeffrey Epstein (left) at The Queen's residence of

Sandringham in 2000. The picture shows just how close she and Epstein were with Prince Andrew

The girl is said to have been taken there by 18-year-old student Haley Robson, who claims in a sworn statement that she was recruited at the age of 17 to provide the billionaire with a $200 nude massage.

One of the girls 'cried hysterically', according to a police report, as she recalled how she was recruited to provide services for Epstein when she was 16.

She claims in a sworn statement that he introduced her to a woman whom he said he had brought from Yugoslavia 'to be his sex slave'.

Epstein was convicted in 2008 of soliciting sex from a minor - a minor in the US is someone younger than 18 - and served 13 months in prison.

Now, lawyers for four of Epstein's alleged victims are fighting to get a federal non-prosecution agreement against Epstein thrown out so he can potentially face criminal charges for allegedly sexually abusing the women, one of whom says she was only 13 at the time of the assault.

Bizarrely, Maxwell was initially served with a subpoena in September 2009, as she was leaving the Clinton Global Initiatives Conference in New York.

Power people: Ghislaine Maxwell and newspaper billionaire Rupert Murdoch, pictured together in at the Fifth Important Dinner for Women hosted by Her Majesty Queen Rania Al Abdullah, Wendi Murdoch and Indra Nooyi in New York in September 2010

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As for Maxwell, bizarrely, she was initially served with a subpoena in September 2009, as she was leaving the Clinton Global Initiatives Conference in New York, and continues to deny all allegations made against her.

Gossip girls: Ghislaine Maxwell (right) and Gossip Girl actress Kelly Rutherford at an event to celebrate Anna Netrebko's new album 'Verdi', in New York in September 2013

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May 29, 2015

US DHS CIS
Vermont Service Center
30 Houghton Street
St. Albans, VT 05478

Re: Ms. [redacted] Immigration Application

Dear Sir or Madam:

I am writing this letter on behalf of Ms. [redacted], and in connection with her O-1 Visa Application.

My name is David Blaine and I am a magician. I have performed my own brand of close up magic all over the world, and have also set and broken several world records, including holding my breath for over 17 minutes, spending 35 hours atop a 100-foot pole, surviving only on water for 44 days, and enduring a week buried in a coffin. I have traveled internationally, performing magic privately for President Bill Clinton and Secretary of State Hillary Clinton, President George W. Bush, Secretary of Defense Donald Rumsfeld at the Pentagon, Henry Kissinger, Bill Gates and Mayor Michael Bloomberg.

I met Ms [redacted] a few years ago through mutual friends and I was highly impressed with her. Aside from being an amazing fashion model, she has a strong passion for children and education. I realized what a talented public relations and fundraising expert she is when I saw her organizing numerous high end charitable events and organizations, as well as finding A-list funders for her causes.

A fundraiser and public relations expert of extraordinary ability can find, target, and approach the correct people for their cause, and then recruit them with the correct individual enticements. This is a very difficult thing to pull off, but Svetlana was able to do so, not only with efficiency and success, but with great ease and grace, and she seems determined to keep going. The success stories she drew for the children of the US Virgin Islands, the Ivory Coast, and many others are incredible. She truly makes a difference in the lives of the world's children.

That is a passion that we both share. Every year, I travel all across the country and the world to perform magic for children's hospital wards, burn units, and juvenile prisons and detention centers. I also truly enjoyed performing magic for Paul Newman and groups of children at the Hole in the Wall Gang Camp, among other charitable causes.

I've been discussing with [redacted] how we can work together to raise money for children and education. Therefore, I wholeheartedly support her visa application.

Please feel free to contact me if you have any further questions or concerns.

Best Regards,

David Blaine

davidblaine

June 1, 2015

US DHS CIS
Vermont Service Center
30 Houghton Str eet
St. Albans, VT 05478

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Best Regards,

David Blaine

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ALSO BY EDWARD JAY EPSTEIN

The Annals of Unsolved Crime

Three Days in May: Sex, Surveillance, and DSK

The Hollywood Economist: The Hidden Financial Reality Behind the Movies

The Big Picture: The New Logic of Money and Power in Hollywood

Dossier: The Secret History of Armand Hammer

Deception: The Invisible War Between the KGB and the CIA

The Rise and Fall of Diamonds: The Shattering of a Brilliant Illusion

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Legend: The Secret World of Lee Harvey Oswald

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HOW AMERICA LOST ITS SECRETS

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HOW AMERICA LOST ITS SECRETS

Edward Snowden, the Man and the Theft

Edward Jay Epstein

ALFRED A. KNOPF | NEW YORK | 2017

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This book is dedicated to the memory of a wise teacher,

James Q. Wilson (1931–2012)

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There are certain persons who . . . have a perfect right to commit breaches of morality and crimes, and . . . the law is not for them.

—FYODOR DOSTOYEVSKY, *Crime and Punishment*

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HOW AMERICA LOST ITS SECRETS

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Prologue

Snowden's Trail: Hong Kong, 2014

THE NATIONAL SECURITY AGENCY, or, as it is now commonly called, the NSA, was created on October 24, 1952, in such a tight cocoon of secrecy that even the presidential order creating it was classified top secret. When journalists asked questions about this new agency, Washington officials jokingly told them that the initials NSA stood for "No Such Agency." The reason for this extraordinary stealth is that the NSA is involved in a very sensitive enterprise. Its job is to intercept, decode, and analyze foreign electronic communications transmitted around the globe over copper wires, fiber-optic cable, satellite, microwave relays, cell phone towers, wireless transmissions, and the Internet for specified intelligence purposes. In intelligence jargon, its product is called COMINT, which stands for communications intelligence. Because this form of intelligence gathering is most effective when the NSA's targets are unaware of the state-of-the-art tools the NSA uses to break into their computers and telecommunications channels to first intercept and then decrypt

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their secret messages, the NSA goes to extraordinary lengths to keep them secret. Draconian laws protect this secrecy.

In the first week of June 2013, the NSA learned that there had been a massive breach. Thousands of secret files bearing on communications intelligence had been stolen from a heavily guarded regional base in Oahu, Hawaii.

The suspect was Edward Snowden, a twenty-nine-year-old civilian analyst at that base, who had fled to Hong Kong before the breach was discovered. According to a three-count criminal complaint filed by federal prosecutors in the Eastern District of Virginia, Snowden had stolen government property and violated the Espionage Act by the unauthorized and willful communication of national defense information to an unauthorized person. He also likely violated the Computer Fraud and Abuse Act by entering computer systems illicitly.

This was not a whodunit mystery. On June 9, 2013, in an extraordinary twelve-minute video made in a cramped hotel room in Hong Kong, Snowden identified himself as the person who had taken the NSA documents. Watching the video, the world saw a shy, awkward, and sympathetic-looking man wearing a rumpled shirt, rimless glasses, and a computer-geek haircut, passionately speaking out against what he termed the NSA's violations of the law and, in a shaky voice, expressing his willingness to suffer the consequences for exposing them.

Snowden had an innocent, idealistic, principled look about him, and the world was ready to congratulate him for revealing the NSA's alleged illegal collection of data inside the United States. But in fact, Snowden had stolen a great deal more than documents relating to domestic surveillance. He had also stolen secret documents from the NSA, the CIA, the Department of Defense, and the British cipher service revealing the sources and methods they employed in their monitoring of adversaries, which was their job.

By the time the theft had been discovered, in the first week of June 2013, it was impossible for the FBI, a grand jury, or any other U.S. agency to question him because he had fled the country. His first stop, Hong Kong, the economically autonomous city of 7.2 million, is a special administrative region of mainland China. Under the

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terms of the 1997 transfer of sovereignty from Great Britain, China is responsible for Hong Kong's defense and foreign policy, including intelligence services. He then proceeded to Russia, which has no extradition treaty with the United States. Russia granted him asylum, making it unlikely that U.S. authorities would ever have the opportunity to question him.

Snowden's escape left in its wake an incredibly important unsolved mystery: How had a young analyst in training at the NSA succeeded in penetrating all the layers of NSA security to pull off the largest theft of secret documents in the history of American intelligence? Did he act alone? What happened to the documents? Was his arrival in Russia part of the plan?

Because I had written several books on the vulnerability of intelligence services, this was a mystery—a "*how*dunit," if you like—that immediately intrigued me. Even if Snowden had acted for the most salutary of reasons, the unauthorized transfer of state secrets from the United States to an adversary country is, by almost any definition, a form of espionage.

I decided to begin my investigation of this case in Hong Kong, because it was the place to which Snowden first fled after leaving Hawaii. Snowden had planned the trip for at least four weeks, according to the mandatory travel plan he had filed at the NSA. When I spoke to my sources in the intelligence community, they could not explain Snowden's choice. It would not necessarily protect him from the reach of U.S. law, because Hong Kong had an active extradition treaty with the United States. Just a few months earlier, Hong Kong had made headlines by honoring America's request to extradite Trent Martin, a fugitive wanted for insider trading.

Nor was Hong Kong particularly convenient to Hawaii. There were no nonstop flights there from Honolulu in May 2013. Snowden flew eight hours to Narita International Airport in Japan, where he waited almost three hours. He then flew five hours to Hong Kong. Snowden could have flown to countries that do not have extradition treaties with America in far less time.

Adding to this mystery, at the time he departed Honolulu, Snowden had not yet arranged for any journalists to meet him in Hong Kong, and as far as U.S. intelligence could determine, he had

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no known appointments there. Even so, Snowden carried to Hong Kong digital copies he had made of the top secret NSA documents. As General Michael Hayden, who served as the head of both the NSA and the CIA, told me, "It's very mysterious why Snowden chose Hong Kong." We can assume he had a compelling enough reason for him to take the risk that he would be arrested there by Hong Kong police after U.S. authorities invoked the detention provision of its extradition treaty. It was of course possible that Snowden had traveled there to see someone he believed could protect him.

I arrived in Hong Kong on May 20, 2014—exactly one year after Snowden had arrived there aboard a Japan Airlines flight. I checked in to the Mira hotel in the Tsim Sha Tsui shopping district of Kowloon, a ten-minute ferry ride away from Hong Kong Island, where most of the foreign consulates are located.

I chose the Mira because it was the five-star hotel in which Snowden had stayed and where he had made the celebrated video admitting his role in taking the NSA documents. I asked at the front desk for room 1014, the same one that Snowden had occupied in 2013, because I wanted easy access to the hotel's service and security personnel responsible for the room who might have had contact with Snowden a year earlier. Unfortunately, that room was occupied, but I was given a nearby room that served my purpose.

Snowden had told Glenn Greenwald and Laura Poitras, the *Guardian* reporters he met in Hong Kong, that he had hidden out at the Mira hotel since his arrival in Hong Kong because he feared that the CIA might capture him. My first surprise was that Snowden had not arrived at the Mira until eleven days after he arrived in Hong Kong. As I learned from the hotel staff, Snowden had registered there under his real name and used his own passport and credit card to secure the room, an odd choice if he was hiding out. He had checked in to the hotel not on May 20, as he had told the reporters, but on June 1, 2013. He checked out on June 10.

Wherever Snowden stayed from May 20 to June 1, he apparently considered it a safe enough place from which to send Greenwald a "welcome package," as he called it, of twenty top secret NSA docu-

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ments on May 25. He had now not only downloaded documents but also violated the oath he had signed when he took his job by providing them to an unauthorized party. During this period, Snowden also contacted Barton Gellman, on behalf of *The Washington Post*, via e-mail. Indeed, while he was staying someplace other than the place he claimed to be staying, he made almost all the arrangements for his journalistic coming-out. He was in contact with at least one foreign mission during this period, according to what he wrote to Gellman on May 24. In that e-mail, concerning when and how his story was to be published by *The Washington Post*, Snowden asked Gellman to include some text that would help Snowden with his dealings with this mission. But which country was he approaching? In an effort to establish Snowden's whereabouts during these "missing" eleven days, which, among other things, could shed light on why he first came to Hong Kong, I called Keith Bradsher, a prizewinning journalist who had been the *New York Times* bureau chief in Hong Kong in 2013. He had written a well-researched report about Snowden's arrival there. He proposed we meet at the Foreign Correspondents' Club.

Bradsher told me that he had known Albert Ho, who had been retained as Snowden's lawyer, for more than a decade. He had interviewed him many times, because he was a leader of a political movement in Hong Kong. Bradsher said that a few days after Snowden had revealed himself on June 9, he met with Ho and questioned him about Snowden's unknown whereabouts.

Ho told Bradsher that all of Snowden's logistics had been arranged for him by an intermediary, whom Ho called a "carer." Ho said that Snowden had been in contact with the "carer" prior to his arrival in Hong Kong on May 20. According to Ho, it was this person who had arranged accommodations for Snowden on his arrival and afterward. If so, it seemed to me that this person might be able to shed light on whom, if anyone, Snowden saw in his first eleven days in Hong Kong. Even if this person might have been unaware of the reasons for Snowden's trip to Hong Kong when he made the arrangements for him, he was still the best lead I had to learning why Snowden had come to Hong Kong. Bradsher told me that he pressed Ho for details about this mystery person over the course of several meet-

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ings but Ho would not identify him beyond saying that he was a "well-connected resident" of Hong Kong.

I called Ho's law office in Hong Kong. He politely declined to be interviewed by me, saying he had said all he was going to say about the Snowden case. I was able, though, to make an appointment with Robert Tibbo, a Canadian-born barrister specializing in civil liberties cases. Tibbo had worked closely with Ho on the Snowden case.

I met Tibbo in the tearoom at the Mandarin Oriental hotel on Hong Kong Island. Tibbo, in his early fifties, was tall, with a round face and thinning hair. He talked freely about his remarkable career. After earning a degree in chemical engineering from McGill University and working in Asia as an engineer for a decade, he went to law school in New Zealand and became a barrister in Hong Kong specializing in cases involving the legal status of refugees.

Over a leisurely tea, Tibbo made it clear that he had played a far more active role than Ho in the Snowden case. He had even personally escorted Snowden from the Mira hotel to a safe house on June 10. He did not dispute what Ho had told Bradsher. When I asked him if he could give me the name of the "carer," he said that he was bound by a lawyer-client privilege that prevented him from providing me with any details that might reveal the identity of the person who had made arrangements for Snowden. When I asked the date that he was officially retained by Snowden, he said that Snowden had signed an agreement hiring him and Ho's law firm as his legal adviser on June 10, 2013 (which was a matter of public record).

"I understand that," I said, "but I am inquiring about something that had happened before you became his legal adviser." He shook his head, as if getting rid of a pesky fly, and said that his oath precluded him from saying anything at all that might do damage to the credibility of his client. "Not even where he was staying in May in Hong Kong?" I persisted. He leaned forward and, after a brief hesitation, said, jokingly I assumed, that he would not divulge that information, "even if you held a gun to my head." We met two more times, but true to his word Tibbo would not say if he even knew the identity of the "carer."

Meanwhile, Joyce Xu, a very resourceful Chinese journalist who was assisting me in Hong Kong, had filed the equivalent of a Freedom

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of Information request with the Hong Kong Security Bureau asking for information about Snowden's movements in May. Thomas Ng, the secretary for security, turned down the request, adding that Hong Kong authorities do not keep records of hotel registrations. I had run into a dead end with the Hong Kong authorities on the issue of Snowden's "carer" and Snowden's whereabouts for those eleven crucial days.

At this point, I got some much-needed help from an old friend on the Obama White House staff. Before I had left New York, I asked him if he could find someone at the consulate in Hong Kong who might brief me on the Snowden case. I didn't hear from him until just a few days before I was due to return to New York. He put me in touch with a former employee of the Hong Kong consulate, who he said was "fully informed" about the efforts of the U.S. mission to locate Snowden in Hong Kong. This person was still living in Hong Kong, and he agreed to meet with me on condition that I did not mention either his name or his specific job in the U.S. mission in Hong Kong. The venue was the terrace lounge of the American Club in Exchange Square in central Hong Kong, a posh club mainly for expatriate Americans. It was on the forty-eighth floor, with a spectacular view of Victoria Harbor. Once there, I had no problem finding my source, identifying him by the description he had given me. He was sitting alone at a discreet table in the corner.

After we ordered drinks, he told me in a soft voice about the American reaction to Snowden's revelations in Hong Kong. "All hell broke loose," he said, describing the atmosphere at the U.S. mission after Snowden's video was posted on *The Guardian*'s website on June 9.

I asked about an assertion that Snowden had made concerning the U.S. consulate in that extraordinary video. Snowden had said that he could be seized at any moment by a CIA rendition team based at the U.S. consulate "just down the road" from the Mira hotel.

"Was that true?" I asked.

He rolled his eyes and said, "Snowden has a pretty wild imagination. For one thing, the U.S. consulate is not down the road from the Mira in Kowloon; it is here on Hong Kong Island. And there was no CIA rendition team in Hong Kong."

My next question concerned a second period during which

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Snowden's whereabouts are clouded—the period between the time he left the Mira hotel on June 10 and the day he left Hong Kong for Russia on June 23. When I asked my consulate source whether the U.S. mission took any action to track Snowden during these thirteen days, he explained that the FBI had long maintained a contingent of "legal attachés" based at the consulate to pursue many possible violations of U.S. law including video piracy. In addition, the CIA and the Defense Intelligence Agency (DIA) had retained a handful of "China watchers" under diplomatic cover in Hong Kong. This group constituted the "intelligence mission," as he referred to it. It had developed informal relations with the Hong Kong police that, along with the NSA's electronic capabilities abroad, allowed it to track Snowden's movements after he had outed himself on the video. Because Snowden, his lawyers, and the journalists in his entourage frequently used their cell phones to text one another, it was fairly easy for the U.S. intelligence mission to follow Snowden's trail after he left the Mira hotel. He said that the Hong Kong police also knew where he was during this period. My source further suggested that the massive Chinese intelligence contingent in Hong Kong also knew, because it had close relations with the Hong Kong police.

"So everyone knew Snowden's whereabouts as he moved every few days from apartment to apartment," I interjected. He answered that it was no secret to anyone except the media and the public. "Of course we knew," he said, adding that there were also photographs of Snowden entering the office building that housed the Russian consulate. I mentioned that there was a report in a Russian newspaper that Snowden had visited the Russian consulate in late June in connection with the flight he later took to Moscow. "All we know is he entered the building," he answered, with a shrug.

That Russian consulate visit did not come as a complete surprise to U.S. intelligence. After Snowden left the Mira, his interactions with the Russian and Chinese intelligence services in Hong Kong had been closely monitored by "secret means," a term that in that context likely indicated electronic surveillance. A former top intelligence executive in Washington, D.C., subsequently confirmed this monitoring to me. All of Snowden's stealth in exiting from the Mira hotel, which included wearing a baseball cap and dark glasses, thus

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proved ineffective in hiding him from U.S. intelligence and presumably other intelligence services seeking the treasure trove of documents he had taken from the NSA.

As for his next destination, I could find no evidence that Snowden had made any arrangements during his monthlong stay in Hong Kong to go to any Latin American country. Before he went public on June 9, he could have easily gotten a visa in Hong Kong with his still-valid passport to go to almost any country in the world, including Cuba (for which a U.S. passport was not necessary), Bolivia, and Ecuador. Yet he did not apply for visas during this time period. Even as late as June 8, after meetings with Greenwald and Poitras, his name had still not been revealed, no criminal complaint had been issued against him, and there was no Interpol red alert for his detention. He could have walked out of the Mira hotel, caught a taxi to the Hong Kong airport, and gone on Swiss International Air Lines via Zurich to any country in South America or to Iceland. But, as in the oft-cited Sherlock Holmes clue of the dog that did not bark, Snowden's inaction in not obtaining visas during this thirty-day period suggests that he had no plans to go anyplace but where he went: Moscow.

However, the mystery that most concerned me was not where Snowden was housed in the interim between when he went public and when he went to Moscow. It was where, and in whose care, Snowden had been *before* he checked into the Mira on June 1. When I asked my source about this period, he said that as far as he knew, neither the FBI nor the Hong Kong police could find a trace of him during the period between May 20, when he passed through Hong Kong customs, and June 1, when he first used his credit card and passport to check into the Mira hotel. Other than those transactions, they could not find any credit card charges, ATM withdrawals, telephone calls, hotel registrations, subway pass purchases, or other clues to Snowden's activities. As far as a paper trail was concerned, Snowden was a ghost during this period.

"Could an American just vanish in Hong Kong for eleven days?" I asked.

"Apparently, he did just that," my source replied.

Snowden's whereabouts during these eleven days was not a mys-

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tery I was going to solve on this first trip to Hong Kong. I needed to know more about his activities before he got there. After all, Snowden was not, as he himself pointed out from Moscow, an "angel descending from the heavens." He had been working for the U.S. government for the previous seven years. During that period, he had been part of America's secret intelligence regime and held a clearance for sensitive compartmented information, or SCI. Such SCI material is considered so sensitive that it must be handled within formal access control systems established by the director of national intelligence.

Nor did Snowden's breach begin with his handing over classified documents to the *Guardian* reporters in Hong Kong in June 2013 or, for that matter, in the eleven days prior to his meeting with journalists. He had, as the NSA quickly determined, begun illicitly copying documents in the summer of 2012. Such a dangerous enterprise is not born of a sudden impulse. It was, as his actions suggested, nurtured over many months. Even if he had managed to elude American intelligence from late May to early June 2013, he could not hide all the history that led to his decision to come to Hong Kong. There had to be an envelope of circumstances surrounding it, including Snowden's motivation, associates, movements, finances, and activities prior to his fleeing to Hong Kong. What was missing was not just Snowden's first eleven days in Hong Kong but the context of the alleged crime.

I first needed to find out who Edward Snowden was.

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PART ONE

SNOWDEN'S ARC

I woke this morning with a new name. I had had a vision. A dream vision. A vision righteous and true. Before me I saw Gamers, Gamers shrouded in the glory of their true names.

Step forth, and assume your name in the pantheon. It's always been there, your avatar's true name. It slips through your subconscious, reveals itself under your posts, and flashed visibly in that moment of unrestrained spite; in the indulgent teabag. You've felt it, known it, recognized it.

Now realize it.

I woke this morning with a new name. That name is Wolfking.

Wolfking Awesomefox.

—EDWARD SNOWDEN, Geneva, June 12, 2008

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CHAPTER 1

Tinker

> It's like the boiling frog. You get exposed to a little bit of evil, a little bit of rule-breaking, a little bit of dishonesty . . . you can come to justify it.
>
> —EDWARD SNOWDEN, Moscow, 2014

EDWARD JOSEPH SNOWDEN was born on June 21, 1983, in Elizabeth City, North Carolina. His parents were Lon Snowden and Elizabeth "Wendy" Barrett. According to their marriage records, they wed when they were both eighteen in 1979. The following year they had a daughter, Jessica.

Lon Snowden, like his father before him, served in the U.S. Coast Guard. He was stationed at its main aviation base, where his father-in-law, Edward Joseph Barrett, was an officer and rising star of the Coast Guard. While Edward Snowden was still a child, his maternal grandfather would become not only an admiral but also head of the Coast Guard's entire aviation service.

When Lon was transferred to a Coast Guard base near Baltimore in 1992, he bought a two-story house in Crofton, Maryland, a residential community very close to the NSA's headquarters building at Fort Meade. Edward, who was nine, and Jessica, who was twelve, were enrolled in local public schools in Crofton.

Jessica was a top student. After she obtained her degree at the

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University of Maryland, she went on to law school, graduating with honors. Unlike his sister, Edward Snowden experienced a string of failures in his education. In 1998, after only one year of classes, he dropped out of Arundel High School; according to school records, he stopped attending classes at the age of fifteen. He later attributed his absence from school to a medical problem, mononucleosis, but according to Robert Mosier, a spokesman for Anne Arundel County public schools, there is no record of any illness. Brad Gunson, who knew Snowden before he dropped out of high school, recalled in an interview with *The Washington Post* only that he had a high-pitched voice, liked magic cards, and played fantasy video games.

Instead of completing a formal education, Snowden went his own way. Still in his teens, he became the product of a broken home. His parents were entangled in messy divorce proceedings until he was seventeen. By this time, Jessica had her own apartment. When his parents separated, Snowden's mother bought a two-bedroom condominium in Ellicott City, Maryland. She moved Edward, along with his two cats, into the condominium, while she remained in the family house awaiting its sale. According to a condominium neighbor, Joyce Kinsey, Snowden stayed home alone almost all the time. From what she could observe, he spent long hours in front of a computer screen.

At the age of eighteen, while other teens his age went to college, Snowden was still living by himself, now devoting a large part of his time to playing fantasy games on the Internet. Posting under the alias TheTrueHooHa on a website called *Ars Technica*, he showed himself to be a passionate gamer. He was especially drawn to anime, a graphically violent style of Japanese animation. These anime games had by 2002 achieved a fanatic following in both Japan and the United States. He claimed special skills at Tekken, a martial arts fighting game. He even went to anime conventions in the Washington, D.C., area. When he became a webmaster for Ryuhana Press, a website running these anime-based games, he described himself somewhat fancifully as a thirty-seven-year-old father of two children. The only truth in his description was that he was born on "the longest day of the year" (June 21).

He wrote Internet posts under his TrueHooHa alias about how he

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used weight lifting and intensive training to precision shape his body. He bragged to his online followers that he had reduced his "body fat percentage to between 9.5% and 10.5%" (which was less than half of the average for his age). He wrote that he wore "cool" purple sunglasses, practiced martial arts, and was a fan of Japanese cuisine. He described himself at one point, as if advertising his virtues, as having a "head of vibrant, shimmering blond hair (with volume)."

He appeared somewhat restless with his solitary life in his almost daily postings. He expressed a longing to go to Japan. "I've always dreamed of being able to 'make it' in Japan. I've taken Japanese for a year and a half," he wrote in 2002. Despite his claim of learning Japanese, there is no record of his taking any courses in Japanese. But it was perhaps part of his yearning. In pursuit of an employment opportunity in Japan, he posted, "I'd love a cushy gov job over there." Eventually, he gave up on the idea of relocating himself to Japan because, as he explained in a post, he would have to put his cats in quarantine for six months.

Snowden's father meanwhile moved to Pennsylvania with his new wife-to-be. This left Snowden with only one male family member in the area, his maternal grandfather, Admiral Barrett, who was now in the top echelon of U.S. intelligence working at the Pentagon. Barrett was there when a plane piloted by terrorists crashed into it on 9/11. He emerged unscathed.

Snowden sought to join the Special Forces through the 18X program, a U.S. Army Reserve program created in 2003 that allowed individuals who had not served in the military or completed their education to train to be a Special Forces recruit. He listed his religion on the application as Buddhist because, as he explained in a sardonic post on *Ars Technica*, "agnostic is strangely absent" from the form.

He enlisted in the army reserves on May 7, 2004, according to U.S. Army records. He reported for a ten-week basic training at Fort Benning, Georgia, which was standard for all enlistees in the infantry. In August, he began a three-week course in parachute jumping but did not complete that training. As Snowden put it in his Internet postings, he "washed out." He was discharged on September 29, 2004, ending his nineteen-week military career. Snowden would later claim on the Internet that he returned to civilian life because

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he had broken both legs. An army spokesman could not confirm that Snowden injured his legs or that he was in fact dropped from the program for medical reasons.

Under his TrueHooHa alias, Snowden wrote that "they [the army] held on to me until the doctors cleared me to be discharged, and then after being cleared they held onto me for another month just for shits and giggles." He attributed this treatment in the army, as he would later attribute his problems in the CIA and the NSA, to the inferior intelligence of his superiors. He wrote in his post, "Psych problems = dishonorable discharge depending on how much they hate you. Lots of alleged homos were in the hold unit, too, but they only got a general discharge at best."

If he had broken his legs, it was not evident to Joyce Kinsey, his next-door neighbor, who told me that she never saw Snowden on crutches when he returned to his mother's condominium in September 2004. Army records show that he did not receive a medical discharge. He received an "administrative discharge." Unlike a medical discharge, which is given because a soldier has sustained injuries that prevent him from performing his duties, an administrative discharge is a "morally neutral" form of separation given to a soldier when he or she is deemed for nonmedical reasons inappropriate for military service. Snowden preferred to cite a medical explanation for his severance, just as he had claimed a medical reason for dropping out of high school (and would later claim he needed medical treatment for epilepsy at the NSA).

When he returned home from Fort Benning, Georgia, he was twenty-one. He remained unemployed for several months before taking a job as a security guard at the University of Maryland's Center for Advanced Study of Language, where he was given his first security clearance. Snowden had to take a polygraph exam to get the job. According to his *Ars Technica* postings, he worked the night shift from six in the evening to six in the morning. He had higher ambitions than being a campus security guard.

He wanted to become a male model. He did not seem overly concerned about his privacy, posting pictures of himself on the Internet "mooning" for the camera. He also posted provocative modeling pictures of himself on the *Ars Technica* website. He commented on his

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own beefcake-style pictures, "So sexxxy it hurts" and "I like my girlish figure that attracts girls." He approached a model agency called Model Mayhem, which recommended a photographer. He had some concern about that photographer because he, as Snowden wrote in a post, "shoots mostly guys." Snowden said he was "a little worried he might, you know, try to pull my pants off and choke me to death with them, but he turned out to be legit and is a pretty damn good model photographer." He posted the photographs on the Internet. The lack of any paid job offers dashed Snowden's hopes for a modeling career.

Around this time, he began dating Lindsay Mills, an extremely attractive nineteen-year-old art student at the Maryland Institute College of Art. Jonathan Mills, Lindsay's father, was an applications developer at the Oracle Corporation. According to him, Snowden met his daughter on an Internet dating site. Snowden and Mills had much in common. They both had divorced parents who gave them a great deal of latitude in conducting their personal lives. Both of them were keenly interested in perfecting their bodies through exercise and diet regimes. Mills's only paid employment over the next eight years would be as a fitness and yoga instructor in Maryland. When they first met, they both had ambitions to be models, and neither of them had inhibitions about posing provocatively for photographers. They both also had a desire to travel to exotic places, including cities in Asia. Mills had spent four month in Guilin, China, before meeting Snowden.

As bleak as his prospects as a high-school dropout might have seemed, Snowden had an unexpected stroke of good fortune in the spring of 2006. The CIA offered him a $66,000-a-year job as a CIA communications officer. "I don't have a degree of ANY type. In fact, I don't even have a high school diploma," Snowden boasted in May 2006 on the website *Ars Technica* under his alias. He added, with only a slight exaggeration, "I make 70K."

How did Snowden get the job? The CIA's minimum requirements in 2006 for a job in its clandestine division included a bachelor's or master's degree and a strong academic record, with a preferred GPA of 3.0 or better.

The CIA needed technical workers in 2006. But even if Snowden

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applied only in this capacity, which entailed a five-year employment agreement, the minimum requirement for an intelligence technology job was an associate's degree awarded by a two-year community college in electronics and communications, engineering technology, computer network systems, or electronics engineering technology. Candidates had to have had a final GPA of at least 3.0 on a 4.0 scale from a fully accredited technical school or university. Snowden, as we've seen, did not meet these standards. If a candidate lacks these qualifications, the CIA can make an exception only if he or she has at least two years' civilian or military work experience in the telecommunications and/or automated information systems field that is comparable to one of the requisite degree fields. Snowden in no way qualified in this way either.

Under extraordinary circumstances, even the minimum requirements might be waived if the applicant had a distinguished military career and an honorable discharge. Snowden, however, did not complete his military training at Fort Benning and received only an administrative discharge.

The CIA, to be sure, had needed computer-savvy recruits to service its expanding array of computer systems since 1990. By 2006, however, there was no shortage of fully qualified applicants for IT jobs who met the CIA's minimum standards. Most of them had university course records, work experience at IT companies, computer science training certificates from technical schools, and other such credentials. The CIA, like the NSA, also obtained technicians with special skills for IT jobs from outside contractors. So it had no need for employing a twenty-two-year-old dropout who did not meet its requisites. According to Tyler Drumheller, a former CIA station chief in Europe, the only plausible way that Snowden, with no qualifications, was allowed to jump the queue was that "he had some pull."

In 2006, Snowden's grandfather, who had attained the rank of rear admiral, was certainly well connected in the intelligence world. After twenty years' service in the Coast Guard, Barrett had joined an interagency task force in 1998, which included top executives from the CIA, the FBI, and the Drug Enforcement Administration. It had been set up to monitor any gaps in the U.S. embargo on Cuba, and Barrett, as one of its leaders, was in constant liaison with the

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CIA. By 2004, he had joined the FBI as the section head of its aviation and special operations. In this capacity, he supervised the joint CIA-FBI interrogation of the prisoners in the Guantánamo base in Cuba, which involved him in the rendition program for terrorists.

Barrett could certainly have played a role in furthering his only grandson's employment. The CIA, however, has not disclosed any information about who, if anyone, recommended Snowden. All that is known is that in 2006 the CIA waived its minimum requirements for him.

Later Snowden pointed out from Moscow that in 2006 the federal government employed his entire family. His father was serving in the Coast Guard; his mother was an administrative clerk for the federal court in Maryland; his sister was a research director at the Federal Judicial Center; and Admiral Barrett was still a top executive at the FBI. In a sense, Snowden had entered the family business.

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CHAPTER 2

Secret Agent

> Sure, a whistleblower could use these [NSA computer vulnerabilities], but so could a spy.
>
> —EDWARD SNOWDEN, Moscow, 2014

THE SUDDEN TRANSFORMATION of Snowden in 2006 from a night watchman on a university campus to an employee for the CIA provided him with a powerful new identity and one much closer to the avatars he adopted for his fantasy games. It was burnished so deeply in his self-image that he cited it eight years later, in exaggerated fashion, in Moscow. When Brian Williams, then an NBC anchorman, began an hour-long television interview with Snowden in 2014 by saying, "It seems to me spies probably look a lot more like Ed Snowden and a lot less like James Bond these days," Snowden approvingly smiled and told him, "I was trained as a spy in sort of the traditional sense of the word." Snowden further confirmed his interviewer's point, stating, "I lived and worked undercover overseas—pretending to work in a job that I'm not [in]—and even being assigned a name that was not mine."

In reality, Snowden's employment at the CIA was far more prosaic. When he joined the CIA, he did not have the required experience in maintaining secret communication systems, so the CIA sent

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him to its information technology school for six months to train as a communications officer, not a spy. After completing his training, he was dispatched to the CIA station in Geneva. He worked there for the next two years as one of dozens of information technologists servicing the CIA's communication channels in Switzerland. He was stationed there, according to Swiss registry records, under his own name from March 2007 to February 2009. He was identified as a U.S. State Department employee in Geneva because Switzerland does not allow any intelligence officers to operate in its country. Officially, he was attached to the permanent U.S. mission to the United Nations, which employed hundreds of U.S. government functionaries in Switzerland. It was a thin cover; the Swiss government was aware that the CIA maintained its base in Geneva and posted its employees at the U.S. mission.

Although Snowden would claim in a video he made in Hong Kong that he had served as a "senior adviser for the Central Intelligence Agency," he was merely a telecommunications support officer, or TSO in CIA parlance, which was a junior-level job at the CIA. He worked as part of a team of information technologists under the supervision of senior CIA officers, according to a former CIA officer in Geneva. The job of these TSOs was to protect the security of the CIA's computer systems through which the CIA station in Geneva sent and received its secret communications.

As far as is known, Snowden made very few friends at the eight-hundred-person mission. The only person to have publicly reported knowing him in Geneva during this period is Mavanee Anderson, a young and attractive summer intern at the U.S. mission from May to August 2007. She described befriending Snowden, who, according to her, said that he was in the CIA and also demonstrated to her his martial arts skills. She later recalled in interviews that he was "a bit" prone to brooding and voiced growing dissatisfaction with the CIA.

The job in Geneva did have its benefits, however. It provided him with a generous housing and travel allowance. In many ways, it was the "cushy government job" he had said he was seeking in his Internet posts. He rented a four-room apartment and had his girlfriend, Lindsay Mills, now twenty-one, join him there.

According to his posts on the *Ars Technica* website, he took full

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advantage of his compensation to live the high life. He gambled on financial developments by buying and selling options, which are contracts that allow speculators to bet on the directions of the market without buying the actual stocks, bonds, or commodities. He also bought a BMW sports car on which, he wrote, he disabled the speed control so he could exceed the legal limit. He described in his posts racing motorcycles in Italy and traveling around Germany with an Estonian rock star (whom he did not further identify). He also continued his avatar life in Internet gaming; the alias he chose for that was Wolfking Awesomefox. He also indulged in a fantasy gun sport called Airsoft, a variation of paintball, in which participants used realistic-looking pistols to splatter each other with paint.

Snowden's good fortune came to an abrupt end in 2008. He suffered a massive loss in his options speculations. He wrote in a post that he had "lost $20,000 in October [2008] alone," a sum that represented almost a third of his annual salary. He blamed the U.S. financial system, posting on *Ars Technica* that Ben Bernanke, the Federal Reserve chairman, was a "cockbag." He also bet against any further rise in the stock market index, asking a user with whom he was chatting on the Internet in December 2008 to "pray" for a collapse of stock prices. When his correspondent asked him why he wanted him to pray for a decline, Snowden responded, "Because then I'll be filthy fucking rich." But Snowden lost this bet.

Snowden lashed out at others on the Internet over these setbacks. He termed those who questioned his financial judgment "fucking retards." As with other setbacks, he blamed them on government officials in *Ars Technica* posts. Because the CIA was engaged in 2008 in highly sensitive operations to gather banking data in Switzerland—one of which Snowden later disclosed to *The Guardian*—any Internet discussion by a CIA employee of financial losses could serve as a beacon to an adversary intelligence service on the prowl for a source. If any party was looking for disgruntled U.S. employees, Snowden's Internet chatter about bad choices in gambling could have aroused its interest.

That Snowden used his TrueHooHa alias for these Internet postings would not prevent a sophisticated espionage organization from

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quickly uncovering his true identity. He was listed by his true name on the roster of the U.S. mission to the UN. By consulting personnel records, one would further discover that he did not actually work for the State Department. Because it was no secret that the U.S. mission in Geneva housed the CIA station for all of Switzerland, any outsider would think it probable that this brittle gambler who played the options market worked for the CIA.

Even though it cannot be precluded that Snowden was spotted in Geneva by another intelligence service, there is no evidence, at least that I know of, to suggest that he was approached by one. Nor is there reason to believe that if he had been contacted by a foreign service in 2008, he would have responded positively. Despite his indiscreet posting about his outside activities, he apparently still respected the boundaries of secrecy that had been clearly defined in the oath he had taken at the CIA. For example, after *The New York Times* published an article revealing secret American intelligence activities in Iran on January 11, 2009, Snowden railed against the newspaper on the Internet under his TrueHooHa alias. He wrote, "This shit is classified for a reason. . . . It's because this shit won't work if Iran knows what we are doing." He clearly recognized that revealing intelligence sources was extremely damaging. As for the *Times*, he said, "Hopefully they'll finally go bankrupt this year." When another Internet user asked him if it was unethical to release national security secrets, he answered, "YEEEEEEEEEES."

As with every CIA officer, Snowden had to undergo a two-year evaluation and take a routine polygraph test. It was then, in December 2008, that his superior at the CIA placed a "derog" in his file, the CIA's shorthand for a derogatory comment, in an unfavorable evaluation. The reason remains somewhat murky. According to a *New York Times* story by the veteran intelligence reporter Eric Schmitt, Snowden's superior had suspected that Snowden "was trying to break into classified computer files to which he was not authorized to have access." Schmitt evidently had well-placed sources in the CIA. He said that he interviewed two senior American officials who were familiar with the case. According to what they told Schmitt, the CIA superior had decided to "send Snowden home." Officially, how-

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ever, according to a reply by a CIA public affairs officer to the *Times*, Snowden had not been fired or accused of attempting to "break into classified computer files to which he did not have authorized access."

A former CIA officer who had also been at the U.S. mission in Geneva explained the discrepancy to me. He said that the spin the CIA put on the story was "necessary containment." After the Snowden breach occurred in June 2013, the CIA had a problem that could, as he put it, "blow up in its face." If Snowden had been fired but allowed to keep his security clearance in 2009, the CIA's incompetence could be partly blamed for the NSA's subsequent employment of him. If he had broken into a computer to which he was not authorized, he should have been fired if not arrested.

What this spin glossed over, according to this former CIA officer, is the part about Snowden's behavior that concerned his superior. Technically, Snowden, as a CIA communications officer, was authorized to use the computer system. The problem was that Snowden had deliberately misused it by adding code to it. This code could have compromised the security of the CIA's "live system." So while what the CIA public affairs officer quoted in the *Times* story said was correct, it clouded the issue.

During his time in Geneva, Snowden had received no promotions or commendations for his work. He was threatened with a punitive investigation unless he agreed to quietly resign from the CIA. "It was not a stellar career," Drumheller, the former CIA station chief, told me in 2014.

Snowden blamed his career-ending "derog" on an "e-mail spat" with a superior. From Moscow, he wrote to James Risen of the *Times* that his superior officer ordered him not "to rock the boat." Further, he complained that the technical team at the CIA station in Geneva had "brushed him off," even though he had a legitimate grievance. When he complained about a flaw in the computer system, he said that his superior took vengeance on him. He said he added the code to the system to prove he was right. He attributed the "derog" in his file to the incompetence, blindness, and errors of his superiors. According to Snowden, he was a victim. This would not be the last time he faulted superiors for their supposed incompetence. He would

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later say that the NSA experts who examined the documents that he had stolen were "totally incapable."

In any case, in February 2009, Snowden not only had a career-damaging "derog" in his file but faced an internal investigation of his suspicious computer activities. According to Drumheller, such an internal investigation would not be undertaken lightly or because of an "e-mail spat." He said that such an investigation was "a big deal" involving the CIA Office of Security in Washington and possibly the FBI. It would also result in the temporary suspension of Snowden's security clearance. This left Snowden with little real choice. If he wanted to avoid that investigation, he had to resign from the CIA, which he did in February 2009. That was the end of the security investigation.

He was clearly bitter, posting on *Ars Technica* on January 10, 2009, "Obama just appointed a fucking POLITICIAN to run the CIA!" (He was referring to Leon Panetta, President Clinton's former chief of staff.) Snowden attributed the origins of his antipathy to U.S. intelligence to his 2007–9 experiences in the CIA. He later told *Vanity Fair* that the 2009 incident in the CIA convinced him that working "through the system would lead only to reprisals."

Snowden, if not yet a ticking time bomb, was certainly a disgruntled intelligence worker before he ever got to the NSA.

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CHAPTER 3

Contractor

Private contractors don't clear employees. The government does.

—ADMIRAL MICHAEL MCCONNELL,
former vice-chairman, Booz Allen Hamilton

SNOWDEN, aged twenty-five, returned from Europe and moved into his mother's condo. Not only was he unemployed now, having resigned from the CIA, but his financial state had been hurt by the huge losses he had suffered playing the options market in Geneva and by the fact that he did not qualify for any CIA benefits. His vision of himself as a secret agent, the unstoppable Wolfking Awesomefox, might have also suffered. According to the narrative he later supplied to *The Guardian*, he had become deeply concerned about the immoral way in which the CIA conducted its intelligence operations in Switzerland.

"Much of what I saw in Geneva really disillusioned me about how my government functions and what its impact is in the world. I realized that I was part of something that was doing far more harm than good," Snowden told *The Guardian*. By way of example, he said he learned that the CIA had gotten a Swiss banker drunk enough to be arrested when he drove so the CIA could compromise him. Snowden, who did not drink himself, was appalled at this ploy. Despite his

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growing antagonism toward the U.S. government, he had not given up on, if not becoming a secret agent, working in the netherworld of secret intelligence.

There was still a back door through which he could reenter the spy world. Private corporations hired civilian technicians to work for spy agencies as independent contractors. By 2009, the CIA, the NSA, and other U.S. intelligence services had outsourced much of the job of maintaining and upgrading their computer systems to these private companies. They supplied the NSA with most of its system administrators and other information technology workers. This arrangement allowed the NSA to effectively bypass budget limits and other restrictions limiting how many NSA technicians it could recruit. Instead of being on the NSA's own payroll, these people nominally worked for, and received their paychecks from, private employers. In fact, many of these outside contractors worked full-time for the NSA.

Snowden applied in April 2009 to one of these private companies, a subsidiary of the Dell computer company. To diversify out of manufacturing computers, Dell had recently gone into the business of managing government computer systems for the NSA and other intelligence services. As a leading specialist in the field of corporate cyber security, Dell had no problem obtaining sizable contracts from the NSA's Technology Directorate. In 2008, the NSA had in effect outsourced to Dell the task of reorganizing the backup systems at its regional bases. Dell had to find thousands of independent contractors to work at these bases. In 2009, it was seeking to fill positions at the NSA's regional base in Japan, and Snowden applied. Relocating would be no issue for him because he had a longtime interest in going to Japan.

He had little problem obtaining the job. He had a single compelling qualification: like all other CIA officers, he had been given a top secret clearance. For an outside contractor such as Dell, such a security clearance was pure gold. If a potential recruit lacked it, Dell needed to wait for a time-consuming background check that would have to be conducted before it could deploy him or her at the NSA. If a recruit already had the clearance, as Snowden did, he could begin working immediately.

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Snowden still had his security clearance, despite his highly problematic exit from the CIA, because the agency had instituted a policy a few years earlier that allowed voluntarily retiring CIA officers to keep their clearance for two years after they left. This "free pass," as one former CIA officer called the two-year grace period, had been intended to make it easier for retiring officers to find jobs in parts of the defense industry. This accommodation, in turn, made it easier for the CIA to downsize to meet its budget.

Not only did Snowden retain his clearance, but unlike when he had applied for his job at the CIA in 2006, he could now list on his résumé two years of experience in information technology and cyber security at the CIA. Dell could check only a single fact: that Snowden was employed at the CIA between 2006 and 2009. His CIA file, which contained the "derog," was not available to Dell or any other private company because of government privacy regulations. Even though the CIA had "security concerns" about Snowden, it could not convey them to either Dell or the NSA without violating the privacy rules. "So the guy with whom the CIA had concerns left the Agency and joined the ranks of the many contractors working in the intelligence community [IC] before CIA could inform the rest of the IC about its worries," Michael Morell, then CIA deputy director, explained. "He even got a pay raise."

Obviously, this was a glitch in the security system. As a result of it, though, Snowden entered the secret world of the NSA only five months after being forced out of the CIA.

For the next forty-five months, Dell assigned him various IT tasks at the NSA. In June 2009, he was sent to Japan to work in the NSA complex at the U.S. Yokota Air Base, which is about two hours by car from downtown Tokyo. He moved into a small one-bedroom apartment in Fussa, just outside the sprawling base.

His initial job for Dell was teaching cyber security to army and air force personnel. In this capacity, he instructed U.S. military officers stationed at the base in how to shield their computers from hackers. Such security training had been required for military personnel dealing with classified material after several successful break-ins to U.S. military networks by China, Russia, and other adversary nations. It was not a challenging or interesting job.

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But Snowden found diversions in Japan. In July 2009, Lindsay Mills joined him there. She had become an amateur photographer, specializing in arty self-portraits. She also saw herself as a global tourist, writing in her blog after arriving in Japan that she had traveled to seventeen countries. Like Snowden, she also deemed herself, tongue in cheek, a "super hero." In this sense, her Internet avatar was a match for Snowden's Wolfking Awesomefox.

In Japan, Mills and Snowden spent time with another American couple, Jennie and Joseph Chamberlin, who also worked at the Yokota base. Jennie, a sergeant in the public affairs section of the U.S. Air Force, had been at art college with Mills and called herself in her blog the Little Red Ninja. Joseph Chamberlin was a decorated U.S. Navy pilot who now flew highly sensitive intelligence-gathering missions from the Yokota base. Jennie described Lindsay in her blog as her "super-model friend." The two couples also went on expeditions in Japan together. As far as is known, the Chamberlins were the only Americans at the base with whom Snowden socialized. On August 17, 2009, the foursome attempted to walk up Mount Fuji, but they got lost en route and wound up in the Mount Fuji gift shop. Jennie described the misadventure in her blog: "Our adventure started off a little rocky with our attempts to find the interstate. Alas, our iconic mountain was obscured by cloud. A short stop at the Mt. Fuji combination soba noodle stand/gift shop was enough to whet our appetite for the further exploration that is to come." Photographs taken that day show Snowden wearing Hawaiian shorts and a black tank top emblazoned with an eagle and the letters USA. They also show Mills wearing safari shorts, a brown sweater, and what appears to be an engagement ring. "Ed was looking rather rednecky," Lindsay commented on one photograph. Snowden described her, in turn, as "nerdy." They never made it to the top of Mount Fuji.

Snowden also sought to advance himself by getting credit toward a college certificate by enrolling in a summer online course at the University of Maryland's Asia program, which had a regional campus on the Yokota base. Known as UMUC, it had a contract with the government to provide military personnel with such educational opportunities. Snowden would later claim that he was taking courses for a graduate degree in computer sciences, but William

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Stevens, the assistant registrar of UMUC, who I spoke to at the base in 2016, told me that the program in 2009 did not provide graduate courses in computer sciences. According to the program's record, while Snowden had enrolled as a student in the summer of 2009, he received neither any credits nor a certificate.

In October 2009, Dell assigned Snowden a job in which he had direct access to the NSA's computers. He was now a system administrator, which is essentially a tech-savvy repairman. Dell was working on a backup system code-named EPICSHELTER. For this contract, Dell was transferring large chunks of data from the NSA's main computers in Maryland to backup drives in Japan so that the system could be quickly restored if there was a communications interruption. Because most of the classified data was in its encrypted form, it had little value to any outside party. Snowden's job was to maintain the proper functioning of computers, but as a system administrator he also had privileges to call up unencrypted files. He sat in front of a computer screen all day looking for any problems in the transferring of files to backup servers.

The work was highly repetitive and exceedingly dull. Snowden found time to search for anomalies in the system, and he claimed to have spotted a major flaw in the security system in late 2009. He discovered that a rogue system administrator in Japan could steal secret data without anyone else's realizing that it had been stolen. Snowden brought that to the attention of his superiors, as he later said.

The emergence of a rogue system administrator was not that far-fetched in 2009. Hacktivists such as Julian Assange had adopted the battle cry "Sysadmins of the world, unite." Instead of asking them to "throw off their chains," as Marx did, he asked them to send classified documents about secret government activity to the WikiLeaks site. Snowden, as a "sys admin," was aware he had the power to do so. He recalled in Moscow in 2014, "I actually recommended they [the NSA] move to two-man control for administrative access back in 2009." To make his point even clearer, he added, "A whistleblower could use these things, but so could a spy." Not without irony, Snowden became that rogue system administrator some three years

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later. In fact, he later used the very vulnerability he pointed out to steal NSA documents at Dell.

In September 2009, still on the Dell payroll, Snowden made a ten-day trip to India. He later said he was on an official visit "working at the US embassy." Hotel records show that he arrived at the Hyatt Regency in New Delhi on September 2 from Japan and at 3:30 p.m. on September 3 checked into the Koenig Inn, an annex to Koenig Solutions, a school that gave crash courses on programming and computer hacking. According to Rohit Aggarwal, head of the school, Snowden stayed there until September 10 while taking classes with a private instructor. It cost $2,000 in tuition and fees, which Snowden prepaid from Japan with his personal credit card. Even though Snowden later said he only took courses in "programming," the school's records show that during that week he took intensive courses in sophisticated hacking techniques. The course was titled "Ethical Hacking," but that was a euphemism for teaching the techniques of illicit hacking. The course provided tutoring on hackers' tools such as SpyEye and Zeus, which are used to circumvent security procedures. It also demonstrated how these hacking tools could be customized by criminals and spies to break into files, plant surveillance programs, impersonate system administrators, assume the privileges of system administrators in a network, and capture the passwords of others. On September 11, Snowden, according to hotel records, left India for Japan. While the stated purpose of the hacking training was to allow security consultants to detect intruders, it also prepared Snowden to be, if he chose to be, an intruder in the NSA system.

One problem with working as a contractor is that the standard two-year contracts are not necessarily renewed. Nor is there much possibility for advancement for IT workers. As one contractor told me, "It is a dead-end job with great pay." In the fall of 2010, Snowden's contract in Japan with Dell was nearing an end.

Dell offered Snowden, and he accepted, a new position in the United States. He rented a modest suburban house shaded by a sakura cherry tree in a suburb of Annapolis, Maryland. Lindsay Mills meanwhile was attending a two-week fitness training course at

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a retreat that qualified her to be a yoga instructor. She had been living on and off with Snowden during the previous two years abroad, including while he worked at the CIA in Switzerland and the NSA in Japan, and now she moved in with Snowden again. The twenty-five-year-old Mills posted on Instagram, "Finally in our first US place together." She also put pictures online of him in bed with her, affectionately referring to him in her posts as a "computer crusader."

He worked on problem solving for corporate clients at Dell headquarters in Annapolis. In preparation for his new corporate role, Snowden shaved off his facial hair and, with Lindsay's help, bought a Ralph Lauren suit. His corporate clients were assisting the NSA, the CIA, and the DIA. Consequently, Snowden dealt with a wide range of intelligence officers and gave presentations on the vulnerabilities in computer security at the DIA-sponsored Joint Counterintelligence seminar. In February 2011, he attended a black tie Valentine's Day gala sponsored by corporate members of the Armed Forces Communication and Electronics Association. The guest speaker was Michael Hayden, who had headed the CIA when Snowden was abruptly forced out two years earlier. Nevertheless, Snowden joined the cue to have his photo taken with the former director, a perk of the charity event.

These dealings in no way mitigated his resentment of the intelligence establishment. What began at the CIA in 2009 as objections to what he saw as the incompetence of his superiors grew into well-articulated disapproval of the way the U.S. government conducted its intelligence. He found NSA surveillance particularly worrisome, later telling *The Guardian*, "They [the NSA] are intent on making every conversation and every form of behavior in the world known to them." He claimed after defecting to Moscow that he had voiced his concerns about what he considered illicit surveillance to ten NSA officials, "none of whom took any action to address them." The NSA can find no record of these complaints, but if Snowden had indeed complained to these officials while working for Dell, his superiors at Dell either didn't notice or didn't care that they had a very disgruntled employee on their hands.

Snowden also made no secret on the Internet of his anger at the U.S. government and the corporations that served it. He railed on

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the *Ars Technica* site against the complicity of private corporations, such as Dell, that assisted the NSA. In his online posts in 2010, Snowden expressed loathing for the assistance that corporate America was providing the intelligence community. "It really concerns me how little this sort of corporate behavior bothers those outside of technology circles," he wrote under his TrueHooHa alias. He said he feared that America was already on "a slippery slope," and he suggested, perhaps adumbrating his own later actions, that this corporate assistance to U.S. intelligence "was entirely within our control to stop."

What the "computer crusader" expressed in these angry Internet postings was an almost obsessive concern over individuals' freely submitting to government authority. "Society really seems to have developed an unquestioning obedience towards spooky types," he wrote on *Ars Technica* without mentioning that he himself worked for a corporation that assisted spy agencies. He asked rhetorically on this public forum whether the sinister slide toward a surveillance state "sneaked in undetected because of pervasive government secrecy."

The outright contempt he expressed toward this "government secrecy" did not prevent him from seeking even more secret work at Dell for the intelligence services. In February 2011, after his CIA security clearance ran out, he applied to renew it. The new clearance now required a new background check and filling out the government's 127-page Standard Form 86.

Since 1996, background investigations for the NSA, like much of the computer work at the NSA, had been outsourced to a private company. It had proceeded from the effort of the Clinton administration to cut the size of government by privatizing tasks that could be more efficiently done by for-profit companies. U.S. Investigations Services, or USIS, as it is now called, which won the contract for background checks, was initially owned by the private equity fund Carlyle Group, which later sold it to another financial group, Providence Equity Partners. For the private equity and hedge funds, profits were the measure of success. To increase its profits from the contract with the NSA, USIS had to move more quickly in concluding background checks because it did not get paid more for extensive

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investigation. In 2006, the government learned these background checks were often prematurely ended. In Snowden's case, because the CIA did not share its files with a private concern, USIS did not have access to Snowden's CIA files, and it therefore did not learn about the threatened security investigation. Nor did it learn from the Internet, where he always employed an alias, that he was a disgruntled employee. So Snowden's new clearance was approved in the summer of 2011, allowing him to continue working for Dell on secret intelligence projects.

Meanwhile, in August 2011, Mills began her own blog titled *L's Journey*. In it, she described herself as "a world-traveling pole-dancing super hero." Many of her posted pictures were provocative poses of herself in her underwear and various states of undress. She wrote, "I've always wanted to be splashed on the cover of magazines, with my best air-brushed look." Her wish would be gratified two years later in a way she likely did not anticipate.

For his part, Snowden seemed happy to encourage her fantasy about being a superhero. He even gave her a *Star Trek*–inspired head visor. Despite all the concerns he voiced about privacy, he did not seem to mind her provocative posts. On the contrary, he took photographs of her, telling her at one point that her photographs were not "sexy" enough.

Snowden was soon offered a new position by Dell at the NSA's Kunia regional base in Hawaii. Dell, which was in the process of expanding its government consulting business, wanted him to be a system administrator on the NSA's backup system. The NSA needed this system before it could upgrade new security protocols that would audit suspicious activity in real time. In Hawaii, as in Japan, system administrators still worked alone. Snowden knew from his experience in Japan that this solo work in an unaudited workplace provided an opportunity for a system administrator to steal documents. So he might also have realized that as a solo system administrator in Hawaii, he would have this opportunity. Whether this was on his mind or not, on March 15, 2012, he accepted this offer. Dell agreed to pay all his relocation expenses and provide him with a housing allowance.

He found a 1,559-square-foot house in Oahu, located at 94-1044

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Eleu Street in the middle-class suburb of Waipahu. It was part of the Royal Kunia development, which contained three hundred similar-looking homes. According to Albi Matco, the manager of the community association for the development, many of the residents worked at military facilities in the area. The corner house Snowden rented was comfortable enough, with three bedrooms, a walk-in closet, a living room with a high ceiling, and a single-car garage, but in no way lavish. It did not even have a backyard. He moved in on April 2, 2012, which entailed a brief separation from his girlfriend, Mills, who had committed herself to attending a girlfriend's wedding the following month. After he left for his new assignment, she wrote on Instagram, "Sex toy party and then saying goodbye to my man—well not goodbye so much as see you in two months."

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CHAPTER 4

Thief

We begin by coveting what we see every day.

—HANNIBAL LECTER, *The Silence of the Lambs*

IN HAWAII IN 2012, Snowden was living a very comfortable life. He was earning just over $120,000 a year from Dell. His housing allowance covered the rent and the lease on his car. He worked five days a week at the NSA base. The commute, as I timed it, took only ten minutes. Driving past a sign marked "Restricted Area: Keep Out," and the security booth where NSA guards checked his credentials, he left his car in the outdoor lot for the Kunia Regional Security Operations Center. (When I drove into the base in 2016, I was detained nearly two hours at the security booth before being turned back.)

Snowden worked in a three-story reinforced concrete building called "the tunnel," even though it was above the ground. It had been built during World War II to serve as an aircraft assembly plant. During the war, it was entirely covered with earth and shrubbery to proof it against Japanese bomber attacks. In 1980, the NSA converted it to its regional base in Hawaii for its intelligence gather-

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ing. Its lack of windows and the dirt covering gave it the appearance, when I viewed it in 2016, of an oblong-shaped anthill. Workers, both military and civilian, entered through an exterior staircase in the center of the mound. Even though it is above the ground, it is known as the tunnel. Snowden said in describing the atmosphere, "You're in a vaulted space. Everybody has sort of similar clearances, everybody knows everybody. It's a small world." He said that to relieve the tediousness of the work, every two months or so his fellow workers would circulate a picture of a naked person that showed up on their screens as part of the NSA's surveillance of foreign suspects. He explained, "You've got young enlisted guys, 18 to 22 years old [who have] suddenly been thrust into a position of extraordinary responsibility where they now have access to all of your private records. In the course of their daily work they stumble across . . . an intimate nude photo of someone in a sexually compromising position."

He knew that copying any files, including photographs, was a violation of NSA rules. But he did not report this illicit activity to the NSA, even though he later claimed that it occurred regularly. He joked in his Moscow interview with *The Guardian* that some of the nudes were "extremely attractive" and that viewing them was, as he put it, "the fringe benefits of surveillance positions."

Snowden identified with the Libertarian Party, and at the NSA he made no effort to conceal his political support of its causes. He became an active partisan of Congressman Ron Paul, the leading figure in the party in 2012. "He's so dreamy," Snowden posted on the *Ars Technica* site in March 2009 (just after he registered to vote in North Carolina, though he no longer lived there). Paul was running in the 2012 Republican presidential primaries, and Snowden made a contribution of $500 to his election committee. Snowden's attraction to Paul's libertarian ideology was not that surprising. At the core of Paul's worldview was a deep hostility to the intrusion of the government into private lives. Snowden shared this hostility, as was clear from his Internet postings. Like other Libertarians, Snowden believed that citizens should not be "shackled" by federal law. He later addressed from Moscow via an Internet hookup a libertarian gathering at which Ron Paul also spoke. "Law is a lot like medi-

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cine," he said. "When you have too much it can be fatal." Like Paul, Snowden ardently opposed any form of gun control, as did Lindsay Mills in her online postings.

Like other Libertarians, Snowden, a contractor for the government, saw the government as an adversary. "The [American] government," he later said, "assumed upon itself, in secret, new executive powers without any public awareness or any public consent and used them against the citizenry of its own country to increase its own power, to increase its own awareness." Most relevant to his future activities at the NSA, Snowden wholeheartedly agreed with Paul's position on the dangers inherent in government surveillance of U.S. citizens. Paul described the CIA, the organization that had forced Snowden out, as nothing short of a "secret government" and said that "in a true Republic, there is no place for an organization like the CIA." He also railed against NSA surveillance.

As is clear from Snowden's Internet postings, he, like Ron Paul, had doubts about the competence of the intelligence agencies of the U.S. government. Snowden's own disillusionment about the government might have begun with his rejection and perceived mistreatment by the Special Forces of the U.S. Army. It was almost certainly reinforced by his ouster from the CIA. He later told *The Guardian* that he was disillusioned as early as 2007 when he learned about the CIA's methods in compromising Swiss citizens. His critical view of the U.S. government only hardened during the years he worked at the NSA. He described his NSA superiors as "grossly incompetent," as he later explained to a journalist from *Wired* magazine in Moscow. At the NSA, he said employees were kept in line by "fear and a false image of patriotism." He said that he saw his fellow workers cowed into "obedience to authority" and his superiors induced to break the law. He became particularly concerned with what he called the "secret powers" of the NSA. He saw them as "tremendously dangerous." By this time, Snowden was fully aware that the NSA conducted domestic surveillance because he had used his privileges as a system administrator in 2012 to read the NSA inspector general's report on a 2009 surveillance program.

Nevertheless, Snowden continued to work at the NSA, where he was, as he put it, "making a ton of money." Mills joined him in his

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"paradise" in June 2012, shortly before his twenty-ninth birthday. Just before leaving Annapolis for Hawaii, Mills posted a seminude picture of herself on her blog, *L's Journey*. In it, her face was covered with a blanket. The caption under it read, "Trying to avoid the changes coming my way." In Honolulu, she found "E.," as she called Snowden in her blog, "elusive." She found that he preferred to stay at home and avoided meeting other people to the point that her friends "were not quite sure that E. existed." Lindsay's fellow performers in the Waikiki Acrobatic Troupe told me in 2016 that they rarely, if ever, saw Snowden at the practice sessions. Andrew Towl, a juggler with the group, did briefly meet Snowden once. It was on a hike with Lindsay in Oahu. Towl said he asked Snowden what he was doing in Hawaii and Snowden answered tersely, "I work with computers," and continued walking. Even though Mills had dated Snowden for eight years, most of her other friends, except for Jennie and Joe Chamberlin in Japan, had not met him. Next door neighbors I spoke to caught brief glimpses of him entering or leaving his house but did not engage him in a conversation as Snowden tended to avoid eye contact. If he had other social interactions in Hawaii, no one he met came forward and spoke of meeting him, even after he became world famous.

Two days after his twenty-ninth birthday dinner on June 21, Mills described him playfully as a "goof." She wrote in her blog, "The universe is telling me something and I'm pretty sure it's saying get out, Fuck you Hawaii." In early July, she summed up her shaky situation with Snowden in another blog, writing, "I moved to Hawaii to continue my relationship with E. [but] it has been an emotional roller coaster since I stepped off the plane." She diverted herself by organizing a pole-dancing studio in the four-hundred-square-foot garage of the house. She also found her own friends in physical fitness and dance groups. She joined a New Age yoga studio called Physical Phatness, as well as a local acrobatic performance group, and, on Friday nights, pole danced at the Mercury lounge in downtown Honolulu. Unlike Snowden, she enjoyed socializing, writing in her blog, "We lovingly crammed a large group into a small corner of a delicious Japanese restaurant and filled our bellies with sushi, tempura, and good conversation."

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That same July, Snowden had other things on his mind, including an attempt to advance himself. Although his position at Dell as a system administrator was a well-compensated one, especially for a twenty-nine-year-old with no formal education, it carried little prestige. He sat from 9:00 a.m. to 5:00 p.m. in a windowless room watching a bank of monitors in the so-called tunnel. Many of those who worked with him were, as he described them, "eighteen year old soldiers." Presumably, they had little interest in discussing with him the weightier issues of the world. Working as an outside contractor was also a dead-end job that hardly matched the vision he had of himself in his Internet postings. In real life, in a cubicle in the NSA, he was decidedly not the Wolfking Awesomefox heroic image he had of himself in his dream vision.

Snowden now decided to apply for a position in the NSA itself. He apparently believed that if he scored high enough on its entrance exam, the NSA would invite him to join it as a Senior Executive Service officer, or SES, which was the civilian equivalent in rank and pay to a flag officer in the U.S. armed forces. "I'm still amazed that a twenty-eight-year-old thought he could get an SES position," a civilian contractor working for the NSA during the same period told me, "Snowden had a very overinflated view of his self-worth." To enhance his chances of getting the SES job, Snowden in the summer of 2012 illicitly hacked into the NSA's administrative files and stole the answers to the NSA exam. As the NSA's subsequent postmortem would determine, it was the first known document that Snowden took without authorization at the NSA.

It was not the first time, however, that he had used his hacking skills to attempt to advance himself. At the CIA in 2009, as he later said in Moscow, he had added text to his annual CIA evaluation in what he termed "a non-malicious way" to prove a point. His CIA superior took a much darker view of that incident when the hack was detected, calling for an investigation. It was the threat of that investigation that, it will be recalled, in effect ended Snowden's CIA career. At the NSA, his intrusion was not detected for almost a year. "He stole the [NSA] test with the answers, and he took the test and he aced it," the former NSA director Michael McConnell recounted

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in a 2013 interview. "He then walked into the NSA and said you should hire me because I am this good on the test."

The reason why he attempted to gain entry into the upper ranks of the NSA in the late summer of 2012 is less clear. If his Internet posting and libertarian riffs are an indication of his state of mind then, he was hostile to the surveillance activities of the NSA. If so, it made little sense that he would seek a permanent career there. If this is considered in light of the career move he made six months later (in March 2013), which, as he himself admits, was for the express purpose of getting at tightly held documents stored on computers that were not available to him in his job at Dell, then he might have been seeking wider access in 2012 for a more nefarious purpose than an NSA job.

In any case, despite the near-perfect scores, the NSA did not offer him a Senior Executive Service job. "It was totally unrealistic for Snowden to expect to get an SES position," a former senior NSA officer told me. Snowden's ambitions might have been disappointed in this instance, but it did not prevent him from later claiming that he had been a senior adviser to the CIA and also a senior adviser to the Defense Intelligence Agency.

Instead of an SES position, the NSA offered him a lowly G-13 job as an information technology worker, which was not an improvement on his job at Dell. He took this slight as evidence of the NSA's incompetence, subsequently joking to a reporter in Moscow that his ability to steal the test answers should have been seen as a qualification for the NSA job. In September 2012, he turned down the NSA offer. If he was to advance himself now, he had to find a new way.

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CHAPTER 5

Crossing the Rubicon

> What I came to feel is that a regime that is described as a national security agency has stopped representing the public interest and has instead begun to protect and promote state security interests.
>
> —EDWARD SNOWDEN, Moscow, 2014

SOON AFTER Snowden failed to get an SES job at the NSA in September 2012, he intensified his rogue activities. As we've seen, part of Snowden's job as a system administrator under contract to Dell was transferring files held at Fort Meade to backup computers in Hawaii. He "was moving copies of that data there for them," said Deputy Director Ledgett, "which was perfect cover for stealing the [NSA] data" through the fall and winter of 2012. The security measures at the Hawaii base presented no obstacles to him because, as a system administrator, he had privileges that allowed him to copy documents that had not been encrypted. Indeed, it was part of the process of building the backup system. The flaw he had pointed to in Japan, in which system administrators working solo could safely steal files, also existed in Hawaii, as we know. This time, however, instead of bringing it to the attention of the NSA, he used it to steal files.

Snowden could be confident that his thefts of documents would go undetected. Real-time auditing of the movement of documents,

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which was done at NSA headquarters in Fort Meade and most of the NSA's regional facilities, had not yet been installed at the Hawaii base, because a lack of bandwidth prevented the safe upgrading of the software. This auditing software was scheduled to be installed after the backup system was completed in 2013. The Kunia base was one of the last NSA bases that did not monitor suspicious transfers of files on a real-time basis. Snowden was aware of this deficiency; he later pointed out in his interview in *Wired* that the NSA base where he worked did not have an "audit" mechanism. This security gap allowed Snowden, using his system administrator's credentials, to copy classified data to a thumb drive without anyone's being able to trace the copied data back to him. According to the NSA's subsequent damage assessment, he stole many thousands of pages while working for Dell in 2012 before he contacted journalists. Ledgett subsequently reported that the NSA analysis of the fifty-eight thousand documents that were given by Snowden to journalists in June 2013 showed that most of them were taken while he was still working at Dell.

This theft was made even more serious by the interconnection of NSA computers with those of other intelligence agencies. Prior to the 9/11 attacks in 2001, "stovepiping" had protected NSA data on its computers from networks used by other intelligence services. After the 9/11 Commission concluded that part of the reason U.S. intelligence agencies were unable to "connect the dots" in advance of the attack was related to this practice, the NSA stripped away a large part of its stovepiping. As a result, the NSANet, which Snowden had access to at Dell in 2012, became a shared network with "common access points," as the former NSA director Michael Hayden described them to me, which made them the equivalent of "reading rooms" in a library. They served as a means for NSA workers to exchange ideas about the problems they were encountering on various projects for the intelligence community. In maintaining them, system administrators, or "system admins," like Snowden, acted as the "librarians." If a system administrator copied data from this network, no one knew.

For Snowden, the NSANet, which included CIA and Defense Department documents, provided a rich hunting ground in the fall

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and winter of 2012. Many of the documents he took off the NSANet revealed operations not only of the NSA but also of the CIA and the Pentagon. By taking them, he had come to a Rubicon from which there would be no return. He later explained in an e-mail to *Vanity Fair* from Moscow, "I crossed that line."

As far as is known, Snowden was not sharing documents with any other party prior to May 2013. He was not even yet in contact with Poitras, Greenwald, or any other journalists. Presumably, Snowden was collecting them on drives—despite the risks that possessing such a collection of secrets might entail—for some future use.

Why would Snowden jeopardize his career and, if caught, his freedom by undertaking this illicit enterprise? He might by now have had strong ideological objections to the NSA's global surveillance. As he said later in Moscow, "We're subverting our security standards for the sake of surveillance." Ordinarily, though, even ideologically opposed employees don't steal state secrets and risk imprisonment. If they are disgruntled, they seek employment elsewhere. Certainly, Snowden, with his three years' experience working for Dell, would have little problem finding a job as an IT worker in the booming civilian sector of computer technology. Instead, he sought to widen his access to NSA documents. This behavior suggests that he might have had another agenda. One possible clue to it is the first document he took: the NSA exam. The answers to the questions in it represented to him a form of tactical power. Those answers could empower him to obtain a more important job in the NSA itself that would allow him to burrow deeper into the executive structure of the agency. Holding such a job would unlock the door to documents containing the NSA's sources stored in areas not available to Dell contractors like himself.

His later actions demonstrated that he equated the possession of such secrets with personal power. For example, after he arrived in Moscow in 2013, he bragged to James Risen of the *Times* that he had access to secrets that gave him great leverage over the NSA. He told him specifically his access to "full lists" of the NSA's agents and operations in adversary countries could, if revealed, close down the NSA's capabilities to gather information in them.

Such a fascination with the power of government-held secrets

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has always been a core concern of radical Libertarians. In his 1956 book, *The Torment of Secrecy: The Background and Consequences of American Security Policies,* the sociologist Edward Shils brilliantly dissects the fascination with secrecy among individuals who fear that government agencies will use covert machinations against them. In Shils's concept, this counterculture is "tormented" by the government's possession of knowledge unavailable to them. Members of this culture tend to believe that the agencies that hold these secrets, such as the FBI, the CIA, and the NSA, can control their lives; they also believe that obtaining such secrets will give individuals power over government.

Snowden himself was concerned with a coming "dark future," which he later described as follows: "[The elites] know everything about us and we know nothing about them—because they are secret, they are privileged, and they are a separate class . . . the elite class, the political class, the resource class—we don't know where they live, we don't know what they do, we don't know who their friends are. They have the ability to know all that about us. This is the direction of the future but I think there are changing possibilities in this."

To change the "dark future," someone would have to know the secrets of the "elites." Snowden saw himself as one of the few individuals in a position to seize state secrets from those elites. He had a SCI (sensitive compartmented information) clearance, a pass into an NSA regional base, and the privileges of a system administrator. This position allowed him to steal state secrets and whatever power that went with them. And if he moved to a position that gave him greater access, he would, in this view, amass even greater power.

Whatever his actual agenda in 2012, we know that he tested possible reactions to a leak exposing NSA surveillance in the United States. He asked fellow workers at the NSA base in 2012, according to his own account, "What do you think the public would do if this [secret data] was on the front page?" He asked this question at a time when a large number of State Department and U.S. Army classified documents had been posted on Julian Assange's WikiLeaks website. These WikiLeaks revelations made, as Snowden knew they would, front-page headlines. His "question" was only rhetorical. No covert NSA document had ever been published in the press as of 2012. One

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reason why NSA documents remained secrets, as all intelligence workers at Dell were told when they signed their oath to protect NSA secrets, was that the unauthorized release of communications intelligence documents would violate U.S. espionage laws. Even so, there was no shortage of activists overseas, such as Assange, who would be willing to publish NSA documents revealing its global surveillance activities. Cyberpunks, as these activists called themselves, tended to be hostile to the NSA because they believed (correctly) that it monitored their activities on the Internet. This anti-NSA view was well represented at the Chaos Computer Club convention in Berlin in 2012. In addressing these cyberpunks, Assange and his followers at WikiLeaks declared that the main enemy in cyberspace was the NSA. The NSA documents Snowden had taken were far more explosive than anything Assange had posted to date because they contained NSA intelligence source material.

In the late fall of 2012, Snowden further tested his newly found powers. Using an alias, he reached out to some of the leading hacktivists. It opened a door for him to the darker side of cyberspace.

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CHAPTER 6

Hacktivist

When you gaze long into an abyss, the abyss gazes into you.

—FRIEDRICH NIETZSCHE

By the time that Snowden had begun hacking into NSA files in 2012, the alienated hacktivist battling to unlock the secrets of evil corporations and governments had become a stock hero of popular culture. For example, in the international best-selling *Girl with the Dragon Tattoo Trilogy* by Stieg Larsson, the heroine, a self-educated hacker in her twenties named Lisbeth Salander, steals incriminating documents from computers that provide the journalist Mikael Blomkvist with scoops that save from bankruptcy the progressive magazine he edits. The journalists at the magazine accept her sociopathic behavior, which includes embezzling millions of dollars, extortion, maiming, and murder, because her hacking exposes crimes and abuses of power. In the real-world universe, hacktivists also use their skills to attempt to redress perceived abuses of power.

For example, in December 2010, the group Anonymous, whose members, called Anons, often wear Guy Fawkes masks resembling those worn in the 2006 movie *V for Vendetta*, launched a successful denial-of-service attack called Operation Avenge Assange. It was

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aimed at paralyzing companies, including PayPal and MasterCard, that refused to process donations for WikiLeaks, which these Anons believed were stifling the freedom of the Internet. Because hacktivists often use illicit means to redress their grievances, such as denial-of-service attacks, theft of passwords, and hacking into computers, they must conceal their true identities to avoid the retribution of the FBI and other law enforcement agencies. This requires them to operate on the dark side of cyberspace, which has become known as the dark net. Fortunately for hacktivists, the dark net is accessible to anyone.

It is a place frequented by those who want to avoid laws, regulations, and government surveillance. Its denizens include cyber saboteurs, industrial spies, purveyors of illegal contraband, spammers, pranksters, identity thieves, video pirates, bullies, slanderers, drug dealers, child pornographers, money launderers, contract killers, inside traders, anarchists, terrorists, and the intelligence services of many countries.

Sue Halpern, writing about it in *The New York Review of Books*, noted, "My own forays to the dark Net include visits to sites offering counterfeit drivers' licenses, methamphetamine, a template for a US twenty-dollar bill, files to make a 3D-printed gun, and books describing how to receive illegal goods in the mail without getting caught. There were, too, links to rape and child abuse videos."

To operate effectively on the dark net, one often needs a mask of anonymity. But it is not easy to completely hide one's tracks in cyberspace. The way that the Internet ordinarily works is that whenever an individual sends e-mails or instant messages or visits a website, his or her identity can be referenced by the IP address assigned to him or her by the Internet service provider. If dark net users' IP addresses are discoverable, they obviously cannot remain anonymous. So, to evade this built-in Internet transparency, dark side users have come to rely on ingenious software to hide their IP addresses. The most commonly used software for this purpose is Tor, which was first called the Onion Router, because it moves IP addresses through multiple layers. Tor software hides the IP address by routing messages through a network of Tor-enabled relay stations, called nodes. Each node further obscures the user's IP, even

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from the next node in the network. This scrambling allows messages to exit the chain of Tor nodes without an easily discoverable IP. By doing so, it "anomizes" each user of the dark side.

Because of the anonymity it provides, Tor became the software of choice for individuals and organizations who wanted to hide their identities. For example, Tor software made possible Silk Road, which acted as an exchange for drug dealers, assassins, safecrackers, and prostitutes until it was closed down by the FBI in 2013. It was created by Ross Ulbricht, a Libertarian who wore a Ron Paul T-shirt, as a website where "people could buy anything anonymously, with no trail whatsoever that led back to them." (Ulbricht received a life sentence for running this criminal enterprise in May 2015.)

Tor software was also employed by Private Bradley Manning (now Chelsea Manning) to transfer some fifty thousand diplomatic cables and military reports from his laptop to Assange's WikiLeaks website. Eventually, Manning was identified by a fellow hacker, convicted by a military court for violations of the Espionage Act, and sentenced to thirty-five years in prison. Tor enabled WikiLeaks to publish other secret data, such as material acquired in the theft of Sony's files, allegedly by the North Korean intelligence service, in 2015. It was the means for guaranteeing anonymity to the IT workers who responded to Assange's by now famous clarion call to unite. It allowed system administrators who opposed the "surveillance state," as well as other disgruntled employees of government agencies or corporations, to send documents they copied to the WikiLeaks website without revealing their IP addresses.

Because WikiLeaks did not know the identity of its sources, it could not be legally compelled to reveal them. "Tor's importance to WikiLeaks cannot be overstated," Assange said in an interview with *Rolling Stone* in 2012. Indeed, without the anonymity provided by its Tor software, WikiLeaks could not have easily entered into a document-sharing arrangement with major newspapers, including *The Guardian, The New York Times, Der Spiegel, Le Monde,* and *El País*. Through the magic of Tor, these newspapers simply attribute their sources to WikiLeaks, which, in turn, made Assange a major force in international journalism.

Ironically, Tor was a creation of U.S. intelligence. In the early years

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of the twenty-first century, the U.S. Naval Research Laboratory and the Defense Advanced Research Projects Agency developed it to allow American intelligence operatives to cloak their movements on the Internet. They could anonymously manipulate websites operated by Islamic radicals, for example, and create their own Trojan horse sites to lure would-be terrorists and spies. As it turned out, that use of Tor software had a conceptual flaw. If U.S. intelligence services used it, the targets could figure out that anyone visiting a site without an IP address was using Tor software to hide it. If Tor was exclusively used by U.S. intelligence services, the targets could further deduce that all the anonymous visitors were avatars for American intelligence. It would be analogous to undercover police using pink-colored cars that civilians did not use.

To remedy this flaw, the U.S. government made Tor software open source in 2008 and freely available to everyone in the world. It even provided funding for its promulgation, with the State Department, the National Science Foundation, and the Broadcasting Board of Governors financing Tor's core developer. The public rationale for this generosity was that Tor could serve as a tool for, as the State Department called it, "democracy advocates in authoritarian states." While Tor software remained a useful tool in covert operations by the CIA, the DIA, and the FBI, it was anathema to the NSA because it made it more difficult for it to track potential targets.

As Tor software became widely used by adversaries (as well as common criminals), the NSA sought to find vulnerabilities in it. "It should hardly be surprising that our intelligence agencies seek ways to counteract targets that use Tor software to hide their communications," explained an NSA spokesperson. The NSA's adversaries also took an interest in identifying Tor users because they might include political dissidents and potential spies.

Tor software also took on a cultlike importance to hacktivists concerned with the U.S. government's tracking their activities. Catherine A. Fitzpatrick provides an illuminating insight into the mind-set of these hacktivists in her 2014 book, *Privacy for Me and Not for Thee*. She describes them as largely "radical anarchists" who believe "the state is all-powerful, that law-enforcement is so strong that it will prevail anyway, and that they are a persecuted minority." As a refuge

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against the surveillance of the state, and in particular the NSA, they not only attempt to hide their own identities but also use encryption to obscure their messages. Their goal is to free their movements "of any interference from law-enforcement." In this mind-set, according to Fitzpatrick, "they believe government intelligence agencies will stop at nothing to stop them from absolute encryption."

Tor software was a means to defeat the NSA, but for it to be successful, there needed to be such a proliferation of Tor servers that the NSA could not piece together IP addresses. The problem was that the Tor Project, as they called it, was still a very tiny operation in 2012. It employed fewer than a hundred core developers, who were located mainly in Germany, Iceland, Japan, Estonia, and the United States. Its staff worked mainly out of a single room in Cambridge, Massachusetts.

The guiding spirit behind the Tor movement in the private sector was Jacob Appelbaum, a charismatic twenty-eight-year-old who had grown up in Northern California. Like Snowden, he had dropped out of high school. Appelbaum identified himself to his followers on the Internet as a "hacktivist" battling state surveillance. For him, as for many in the hacktivist culture, the main enemy was the NSA. After all, the NSA had a vast army of computer scientists working to defeat Tor software. Appelbaum was well connected in this culture, having been the North American representative for WikiLeaks before he moved to Berlin in 2013. He also managed WikiLeaks's cyber security when it released the classified documents it obtained from Manning in 2010. He was so well regarded among hacktivists that Assange chose him as his keynote speaker replacement at the Hackers on Planet Earth (HOPE) convention in New York City. Assange told *Rolling Stone*, "Jake [Appelbaum] has been a tireless promoter behind the scenes of our cause." For its part, *Rolling Stone* titled its profile of Appelbaum "Meet the Most Dangerous Man in Cyberspace." (Assange needed a replacement for this particular event because he feared if he came to New York, he would be arrested for releasing the Manning files on WikiLeaks.)

In Berlin, Appelbaum went to extreme lengths to protect himself from American surveillance. For example, when George Packer interviewed him for *The New Yorker* in 2014, he insisted on meet-

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ing with Packer naked in a sauna so he could be sure Packer did not have a recording device (other than his notebook). Appelbaum stated repeatedly in interviews that he was being spied upon by America. While his claims might have sounded paranoid to his interviewers, as a character in Joseph Heller's *Catch-22* famously said, "Just because you're paranoid doesn't mean they aren't after you."

Runa Sandvik, a close associate of Appelbaum's, also worked tirelessly to extend Tor's cloak of anonymity in the private sector against the surveillance of the NSA and other would-be intruders of privacy. A Norwegian national in her mid-twenties, she wrote a well-followed blog on Internet privacy for *Forbes* in 2012, in which she identified herself as a privacy and security researcher working at the intersection of technology, law, and policy. Appelbaum and Sandvik both came in contact with Snowden before he went public and while he was still working for the NSA in Hawaii.

In 2012, Snowden become involved in the effort to encourage the use of Tor software to protect privacy. He made no secret of his concerns about electronic interceptions. According to an anonymous co-worker, he even wore a jacket to work with a parody of the NSA insignia, which, instead of merely depicting the NSA eagle, showed the eagle clutching AT&T phone lines. He had also become a member of the Electronic Frontier Foundation, the digital rights organization that was helping finance Tor. He saw Tor software as a remedy. "Without Tor," he later wrote, "when you walk the streets of the Internet, you're always watched." His efforts on behalf of Tor were not limited to symbolic gestures. In 2012, he set up a two-gigabyte server called "The Signal," which he described as the largest Tor relay station exit node in Honolulu. He apparently paid for it himself.

Through his work as a system administrator for Dell, he found documents revealing NSA efforts, not yet successful, to defeat Tor's ability to camouflage a user's identity on the Internet. He found that the NSA was attempting to build backdoor entry ways into Tor software. One of the NSA documents that he illicitly downloaded, titled "Tor Stinks," described the agency's continuing efforts to penetrate Tor servers. In addition, he downloaded NSA documents describing programs begun in 2012 that aimed at searching the Internet for the

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cyber signatures of foreign parties suspected of hacking into U.S. government systems.

He also made efforts to directly contact Sandvik. She recalls first hearing from Snowden in November 2012. He first wrote to her under the alias Cincinnatus but later supplied his real name and mailing address in Hawaii because he wanted her to mail him authentic computer stickers from the Tor Project that he could use as "swag," as he wrote her, to attract further interest in Tor software in Hawaii. As a result, she knew his identity seven months before he went public in Hong Kong. He would later tell Sandvik from Moscow that he had been "moonlighting" by working to advance the Tor Project. He added, with some understatement, that his moonlighting was "something the NSA might not have been too happy about."

On November 18, 2012, while still working for Dell at the NSA, his dual role led him to begin organizing a "CryptoParty" aimed at finding new recruits for Tor. The CryptoParty movement had been started in 2012 by Asher Wolf, a radical hacktivist and anarchist living in Melbourne, Australia. She promoted the get-togethers not unlike the Tupperware parties of the 1950s. The party organizer, usually with a representative of the Tor Project, advertised the party on the Internet. Attendees were encouraged to bring their own laptops so they could install Tor as well as encryption software in them. The attendees would then be instructed on how to use it. Finally, those converted to Tor software would be told to proselytize about its virtues by holding their own CryptoParty. Wolf's idea was to use these gatherings to expand the realm of Tor.

Snowden called his fete the Oahu CryptoParty. It had its own web page. He told Wolf that it would be the first CryptoParty in Honolulu. She wrote back advising him to "keep it simple." (Wolf later said she did not know he was working at the NSA.)

Snowden apparently had no inhibitions in staging a party that the leadership of the NSA might consider subversive of its battle against Tor. He even invited fellow NSA workers in Hawaii, as well as others in the local computer culture. He asked Sandvik, who was living in Washington, D.C., at the time, to participate, proposing that she cohost the party with him. He scheduled it for December 11, 2012, in Honolulu. According to Sandvik's account, Snowden informed her

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that he "had been talking some of the more technical guys at work into setting up some additional fast servers" for Tor. His "work" place at the time was the NSA. So, if he was telling the truth, he had already attempted to find co-workers at the NSA who might be interested in attending an anti-NSA surveillance presentation.

Sandvik not only agreed to be Snowden's co-presenter but made the Oahu CryptoParty a Tor-sponsored event. Sandvik flew to Honolulu on December 6, 2012. It was a fourteen-hour flight and a relatively expensive one. She later told *Wired* magazine that the invitation from Snowden coincided with her plan to take a "vacation in Hawaii." Whatever her reason, it brought her in direct contact with a Tor supporter with access to the computers of its main enemy, the NSA.

On December 11, following Snowden's instructions, Sandvik arrived shortly before 6:00 p.m. at the Fishcake gallery in downtown Honolulu. She proceeded through a maze of furniture display rooms to BoxJelly, a public space. She was then directed to a small back room in which there were folding chairs and worktables already set up for the event. Rechung Fujihira, the owner of BoxJelly, told me that Hi Capacity, a "creative collective" of computer buffs, had arranged the logistics for the event. As he recalled, Snowden had requested their help for the CryptoParty.

Sandvik found Snowden waiting for her with Lindsay Mills, whom he introduced to Sandvik as his girlfriend. He told Sandvik that Mills was there to make a video of the event. Mills did not mention the party in her blog. But that Snowden brought her and introduced her to Sandvik suggests that he did not keep secret from her his activities to further Tor.

The event started at 6:00 p.m. sharp. By Sandvik's count, about twenty people gradually filled the room. She reckoned that about half of the attendees were from Snowden's workplace. Snowden began the presentation by giving reasons why Internet users needed to defend their privacy by using both encryption and Tor software. According to one attendee who asked not to be identified by name, Snowden, while not revealing that he worked for the NSA, spoke with such precise knowledge about government surveillance capabilities that the attendee suspected Snowden worked for the govern-

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ment. Snowden next introduced Sandvik, who took the podium and discussed the work of the Tor Project, stressing the importance of expanding the Tor network. Following their presentations, Snowden and Sandvik took questions from the audience.

The Oahu CryptoParty, according to Sandvik, ended about 10:00 p.m. No one objected to Mills's making a video of the meeting, even though it was dedicated to the idea of protecting personal privacy. The video was not posted on the Internet, so presumably Snowden wanted it for his own purposes. Afterward, Sandvik went to a local diner called Zippy's for a late dinner. She left Hawaii two days later.

Not all the hacktivists that Snowden invited were able to attend. Parker Higgins, for example, a prime mover in the Electronic Frontier Foundation and founder of the San Francisco CryptoParty, wrote back to him that he was unable to attend the December CryptoParty because of the high price of the airfare that month between San Francisco and Honolulu. He added that he would try to attend Snowden's next CryptoParty, which was scheduled for February 23, 2013. (Higgins would make headlines in 2013 by flying a chartered blimp over the NSA's secret facility in Utah and photographing it from the air.)

Snowden's double duty continued: downloading secret documents while remaining in touch with some of the leading figures in the Tor Project under his various aliases. He also continued to invite activists to his CryptoParties, and he openly advertised them on the Internet until 2013. The CIA's former deputy director Morell, who reviewed the security situation at the NSA in 2014 as a member of President Obama's NSA Review Committee, found that the NSA in the post–Cold War age had encouraged its technical workers to freely discuss challenges that arose in its computer operations. "The idea was to spread knowledge and learn from the successes of others," Morell wrote, "but it created enormous security vulnerability, given the always-existent risk of an insider committed to stealing secrets." According to a former intelligence executive, this new "open culture," exemplified by largely unrestricted entry to the NSANet by civilian contractors, fit the culture of the young civilians on the "geek squads" who now ran the NSA's computer networks.

It was remarkable that even in such an "open culture," Snowden's

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CryptoParty, Tor station, and other anti-NSA activities could go unremarked upon. After all, ten or so NSA workers attended the first party, and it is not unlikely that many of them recognized him as their co-worker. If so, they knew (as did Sandvik and Mills) that the Tor advocate "Cincinnatus" was Snowden. He had also not been shy in contacting notable enemies of the NSA via e-mail, such as Jacob Appelbaum, Parker Higgins, and Asher Wolf. If anyone, including the security staff of the NSA, had been on the lookout for dissident intelligence workers, this well-advertised gathering and its organizer might have been of interest.

In 2014, I asked a former top NSA executive whether such activities on behalf of Tor by an NSA employee would arouse the attention of the NSA's own "Q" counterespionage unit. He answered, "Snowden was not an NSA employee." Because Snowden was a contract employee of Dell's residing in the United States, the NSA could not legally monitor his private activities or intercept his communication. To do so would require a court-approved FBI request. So Snowden/Cincinnatus was free to operate openly in recruiting NSA workers, hacktivists, and computer buffs for his events. Ironically, adversary intelligence services searching for disgruntled intelligence workers had no such constraints.

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CHAPTER 7

String Puller

> It wasn't that they put it on me as an individual—that I'm uniquely qualified [or] an angel descending from the heavens—as that they put it on someone, somewhere.
>
> —EDWARD SNOWDEN, Moscow, 2013

DOWNLOADING NSA documents was not Snowden's only rogue activity while working at the NSA for Dell in 2012. Three weeks after the CryptoParty, Snowden began anonymously contacting a high-profile journalist. He used the same alias, Cincinnatus, that he used with Sandvik and to advertise the Oahu CryptoParty. The journalist to whom he wrote on December 1, 2012, was Glenn Greenwald, the previously mentioned Rio-based columnist for *The Guardian*.

Greenwald had not always been an activist journalist. He had been a litigation lawyer at the elite New York firm of Wachtell, Lipton, Rosen & Katz. He was also an entrepreneur, owning part of Master Notions, a company that, among other things, had a 50 percent financial interest in the pornographic website HJ (an acronym that originally stood for "Hairy Jock"). All did not go well with this enterprise. In 2004, Greenwald became involved in an acrimonious lawsuit with his other associates in HJ. As a result, he had a number

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of open legal judgments filed against him, including an $85,000 lien by the IRS.

After resigning from his law firm in 2005, he moved to Rio de Janeiro and began a new career as a blogger for the Internet magazine *Salon*. He wrote fierce, and often brilliant, polemics against U.S. government surveillance and other perceived intrusions on personal privacy. The extent of his bitter antagonism toward the activities of the "surveillance state," as he called it, was reflected in the title of his 2006 book, *How Would a Patriot Act? Defending American Values from a President Run Amok*. His position on surveillance was unrelenting, even when it came to the president. "By ordering illegal eavesdropping, the president had committed crimes and should be held accountable for them," Greenwald wrote. When Barack Obama became president in 2009, Greenwald also attacked him for breaking the law by "ordering illegal eavesdropping." Because of his opposition to Obama, he contributed money to the libertarian campaign of Ron Paul, the same candidate to whom Snowden gave money.

In August 2012, he had transferred his provocative blog, which had amassed a following of nearly one million readers (including Snowden), from *Salon* to *The Guardian*. The British newspaper shared his powerful anti-surveillance position, having first published the WikiLeaks documents that had been illicitly leaked by Manning and published by Assange in 2010.

Greenwald was an activist as well as a journalist. He joined the board of directors of the Freedom of the Press Foundation (eventually Runa Sandvik would join too). It had been set up expressly to funnel money to both Assange's WikiLeaks site and the defense fund for Manning after he was arrested. Such a financial intermediary was necessary because American credit card companies were blocking money transfers to these two causes in 2012. This "blockade" was taking its toll on WikiLeaks. According to Assange, "WikiLeaks had been cut off from more than 90 percent of its finances." The Freedom of the Press Foundation came to its rescue. John Perry Barlow, one of the songwriters for the Grateful Dead, was one of its chief financial backers. "The first serious info war is now engaged," Barlow declared. "The field of battle is WikiLeaks." He served with Greenwald and Poitras on its board.

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Snowden was an avid reader of Greenwald's screeds against the government. If he were to assume the role of a modern-day Prometheus, delivering forbidden NSA secrets to the public, Greenwald would be a logical candidate to break the story. Snowden could safely assume that Greenwald would be sympathetic to exposing NSA surveillance from his many blogs, tweets, and YouTube comments on the subject. For example, on November 13, 2012, just eighteen days before Snowden contacted him, Greenwald had written a blog for *The Guardian* asserting that the United States was "a surveillance state run amok." In it, echoing very closely what Snowden said at his CryptoParty, Greenwald wrote, "Any remnants of internet anonymity have been all but obliterated between the state and technology companies." Citing a story in *The Washington Post*, he continued, "Every day, collection systems at the National Security Agency intercept and store 1.7 billion e-mails, phone calls and other types of communications."

As a result, Greenwald called for action in that blog posting, writing, "The US operates a sprawling, unaccountable Surveillance State that, in violent breach of the core guarantees of the Fourth Amendment, monitors and records virtually everything even the most law-abiding citizens do." That same week, Snowden invited Runa Sandvik to co-host his CryptoParty.

One problem for Snowden in reaching out to Greenwald was Greenwald's lack of any encryption for his e-mails. Communicating with a journalist like Greenwald who famously attacked the very organization for which Snowden worked was itself a risky undertaking, especially if he wanted to pass classified NSA documents to him. If his e-mails were intercepted by the NSA in Brazil (where Greenwald lived) and where the NSA was not restricted by U.S. law, he could lose his job or even be arrested. As Cincinnatus, he told Greenwald that he needed to immediately encrypt his computer. To make his point, he cited Greenwald's November 12, 2012, blog. In it, Greenwald noted that General David Petraeus, then the CIA director, had been caught in a sex scandal because his personal e-mails had been intercepted. Snowden wrote to Greenwald that Petraeus would not have been exposed if he had used encryption. Snowden sent Greenwald instructions on how to install the necessary encryp-

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tion software and a link to a twelve-minute video on encryption (which might have been the same video he used at his CryptoParty a few weeks earlier).

Greenwald did not manage to encrypt his computer, however, and Snowden, unwilling to deal with Greenwald through an unencrypted channel, broke off contact with him in January 2013. Even so, he did not give up his plan of using Greenwald in his enterprise. He merely sought an intermediary who used encryption.

He chose Laura Poitras. He knew she and Greenwald were founding board members of the Freedom of the Press Foundation. Greenwald had written about her extensively. For example, he wrote an entire blog about her confrontation with the U.S. government and her plans to make a documentary about the "US Government's increasing powers of domestic surveillance [through] its expanding covert domestic NSA activities."

Since 2011, Poitras had been diligently filming the construction of a massive NSA repository for data in Bluffdale, Utah. In the anti-surveillance culture, the structure had become symbolic of the powers of the NSA. In fact, it was the same NSA site that Parker Higgins photographed from a blimp in the fall of 2013 and posted on the Internet after Poitras had released her documentary about the NSA's use of the Bluffdale repository for domestic spying.

Aside from her connections with Greenwald, Poitras had other impressive credentials. Born in 1964 in Boston, she came from a wealthy family that donated large sums of money to philanthropic causes, including $20 million for research on bipolar disorders. After graduating from the New School for Public Engagement in 1996, she pursued a career as an activist filmmaker. Her focus quickly became exposing NSA surveillance. One of her short documentaries about the NSA's domestic surveillance program was featured on the *New York Times* website and attracted enormous attention in 2012. As a dedicated opponent of the surveillance state, she participated in public events with William Binney, the ex-NSA whistle-blower, and Jacob Appelbaum. In April 2012, for example, she made a presentation at the Whitney Museum in New York with Binney and Appelbaum. She had become such a leading activist against the NSA by December 2012 that Appelbaum, after lauding her work, inter-

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spersed clips from her short film in his keynote address at the Chaos Computer Club convention of hacktivists in Berlin that month.

Snowden also closely followed her rise in this world. By simply googling Poitras's name in January 2013, he would have learned about her connections with Greenwald, Appelbaum, Binney, Assange, and other leading figures in the anti-surveillance camp. When asked later by Poitras why he had chosen her to help him, Snowden replied, "I didn't. You chose yourself." The problem for Snowden was anonymously drawing her into his enterprise.

Poitras was living in Berlin in January 2013, which made her vulnerable to NSA surveillance. To get to her through an encrypted channel, Snowden chose a circuitous approach. On January 11, he wrote to Micah Lee in Berkeley, California. Given Lee's residence in the United States, as Snowden knew, the NSA would be legally barred from monitoring his communications without a warrant. He used Lee, who was the chief technology officer at the Freedom of the Press Foundation, as the encrypted gateway to Poitras. Lee was also well-connected to others whom Snowden had contacted for his CryptoParty. Lee had been an associate of Runa Sandvik's at Tor and was a prominent member of Noisebridge, an eclectic anti-government hackers' commune based in Northern California, of which Appelbaum was also a member.

To contact Lee, Snowden chose the alias Anon108. Anon is an alias frequently used by members of the Anonymous commune of hacktivists. "I'm a friend," Snowden wrote to Lee. "I need to get information securely to Laura Poitras and her alone, but I can't find an email gpg key for her." The "gpg" encryption key he asked for, more commonly called a PGP key, was the so-called public key for an encryption system called Pretty Good Privacy, or, for short, PGP. This encryption system required both a public and a private key. Snowden asked Lee to provide the former one, because Poitras had the latter one. Lee wrote to Poitras about Anon108. The next day, with the approval of Poitras, Lee supplied Poitras's public key to Snowden, or, as he knew him, Anon108.

With it, Snowden contacted Poitras directly. He asked her as a first step to open an anonymous e-mail account using Tor software. Poitras later wrote about this initial contact, "I was at that point film-

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ing with several people who were all being targeted by the [U.S.] government." Many of the people she was filming, including Appelbaum, Assange, Binney, and the former NSA employee Thomas Drake, could attract interest by U.S. or foreign intelligence services.

Snowden asked Poitras to take out a new enciphering key to use exclusively for her liaison with him. It provided them both with an extra layer of protection from any surveillance by law enforcement. Presumably, she accommodated his requests because she anticipated that the anonymous person would use this encrypted channel to send her highly sensitive material.

On January 23, Snowden wrote to Poitras under yet another alias. This time he called himself Citizen Four. He wrote, "At this stage I can offer nothing more than my word." He then said falsely, "I am a senior government employee in the intelligence community." She had no way of knowing at this "stage" that despite giving her his "word," he was not who he claimed to be. He was not a "government employee," he was not a "senior" official, and he was not a member of the "intelligence community" (which is composed of the intelligence services of the U.S. government). He would later also claim to her that he had been "a senior adviser to the CIA" and "a senior adviser to the DIA." That was untrue, too. In January 2013, he was merely a contract employee of Dell's working as a computer technician at the NSA base in Hawaii.

Snowden told her in his initial e-mail that he was well acquainted with her career as an anti-surveillance activist. He said that he had read Greenwald's account in *Salon* that past April, a blog in which Greenwald detailed the forty times in which Poitras was searched by U.S. authorities. The story also said that Poitras believed she was on a special watch list and under constant U.S. government surveillance. She had come under such scrutiny by U.S. authorities, it turned out, because of her documentary about American military abuses of civilians in Iraq in 2006, titled *My Country, My Country*. While filming it, she was at a place close to an insurgent ambush of U.S. troops in Iraq. Her presence at the ambush site led army intelligence officers to suspect (without any evidence) that she might have been tipped off by the insurgents. She firmly denied the charge, and the government never substantiated it. Even so, because of this incident, since

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2006 she had been kept on a list that caused authorities to search her at airports. As a result, she took elaborate countermeasures to evade any possible surveillance of her communications.

Snowden knew about this incident because Greenwald described it in great detail in a blog that Snowden read (as he later told Greenwald). "Poitras is now forced to take extreme steps—ones that hamper her ability to do her work," Greenwald wrote. "She now avoids traveling with any electronic devices. She uses alternative methods to deliver the most sensitive parts of her work—raw film and interview notes—to secure locations. She spends substantial time and resources protecting her computers with encryption and password defenses. Especially when she is in the US, she avoids talking on the phone about her work, particularly to sources. And she simply will not edit her films at her home out of fear—obviously well grounded—that government agents will attempt to search and seize the raw footage." She claimed, as she told journalists, she was the victim of "Kafkaesque government harassment."

Snowden was duly impressed with her concerns about government surveillance, which he agreed was ubiquitous. Indeed, he later described her as "more paranoid when it comes to electronic security than I can be." He meant it as a compliment. Such functional paranoia or "operational security," as Greenwald would call the precautions that she took, dovetailed with Snowden's growing conviction that universal encryption was necessary to defeat the surveillance state. It also made her the perfect channel for Snowden to safely pass some of the classified documents he stole to Greenwald and other journalists.

It was not difficult to get her to cooperate in his plot. He wrote, for example, "The surveillance you've experienced means you have been 'selected'—a term which will mean more to you as you learn how the modern SIGINT [signals intelligence] system works." Just as she had been "chosen" by her work to act as his conduit, according to Snowden, she had been chosen by the NSA as a target because of her work. The idea of her being "selected" by an invisible signals intelligence agency, the NSA, could only excite her longtime concerns about being watched by the government.

"Your victimization by the NSA system means that you are well

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aware of the threat that [the NSA's] unrestricted, secret abilities pose for democracies," he continued. "I hope you understand that contacting you is extremely high risk and if you are willing to agree to the following precautions before I share more, this will not be a waste of your time." Further playing on her concern, he asked her to confirm to him "that no one has ever had a copy of your private key and that it uses a strong pass phrase." Such precautions were necessary because "your adversary is capable of one trillion guesses per second." That "adversary" was, as she knew from her previous film, the NSA. At this point, she knew she was entering into a dangerous liaison with an unknown party in pursuit of NSA secrets. She wondered if he might be part of a plan to entrap her or her contacts like Assange and Appelbaum, as she noted in her diary. "Is C4 a trap?" she asked herself, referring to her Citizen Four source. "Will he put me in prison?"

To elude this "adversary," Snowden stressed to Poitras that she would have to adopt a conspiratorial frame of mind. "If the device you store the private key and enter your pass phrase on has been hacked, it is trivial to decrypt our communications," he explained. "If you publish the source material, I will likely be immediately implicated." If her correspondent could be "immediately implicated," it meant that he was a person authorized to handle these secrets. So Poitras knew, as early as January 2013, that she was creating an encrypted channel for someone with access to NSA secrets who would be incriminated by providing them to her.

The key source for Poitras's previously referred to short video was Binney. Like her new source, he had been authorized to handle NSA secrets. Binney had been an NSA technical director until he had retired in 2001. The NSA's domestic surveillance program that Binney told the press about years before being interviewed in Poitras's film was called Stellarwind. It involved data mining domestic communications and financial transactions that had been authorized by President George W. Bush in 2001 after 9/11 as commander-in-chief under the war powers given to him following the attacks. It indeed led to a major exposé on domestic spying by *The New York Times* in December 2005.

Binney had never provided Poitras with any NSA documents

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to back up the charges he made that Stellarwind was an unlawful domestic surveillance operation. He could not have done so without violating his sworn oath and, for that matter, U.S. anti-espionage statutes. Binney made it clear to her and other journalists that he was not a lawbreaker. But her new source, C4, was willing to do what Binney (and other insiders) had refused to do. He was offering in these e-mails to provide her with secret government documents, even though it would implicate him as an outlaw. To further whet her appetite, he told her that these up-to-date NSA documents would fully substantiate the allegations that Binney made in her film. Even more important, he said Binney's 2001 disclosures were still relevant to her cause. "What you know as Stellarwind has grown," he wrote to her. "The expanded special source operations that took over Stellarwind's share of the pie have spread all over the world to practically include comprehensive coverage of the United States." In fact, as Snowden knew from the Inspector General report he had read, the NSA had terminated Stellarwind almost a decade earlier. President Bush ended it after top officials of the Justice Department insisted that he did not have the legal authority for the domestic part of Stellarwind. Instead, he asked Congress to revise FISA to meet the objections of the Justice Department. The result was the FISA Amendment Act of 2006. Unlike the previous Stellarwind program, it did not permit domestic surveillance. It specified that the government could not target any person in the United States or anywhere else in the world under this authority. Nor could it target any foreign person, even one residing outside of the United States, to acquire information from a particular known person inside the United States. As the act recognized that information about U.S. citizens might mistakenly be intercepted by the NSA, it required that such data about Americans be expunged in a bimonthly review by a Justice Department task force. Although the NSA program in place in 2013 was not the comprehensive domestic surveillance that Snowden claimed it to be, Poitras had no way of knowing at this early state that her source was misleading her.

He offered to substantiate her worst fears about the growth of NSA surveillance: "I know the location of most domestic interception points, and that the largest telecommunication companies in the

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US are betraying the trust of their customers, which I can prove." He even proffered evidence implicating President Barack Obama in illegal surveillance. "There is a detailed policy framework, a kind of martial law for cyber operations, created by the White House. It's called presidential policy 20," he wrote to her. It was an eighteen-page directive that Obama had signed four months earlier in October 2012. Snowden was offering to reveal to her up-to-date evidence of a surveillance state in America presided over by the president himself. It was what she had been searching for over the past three years. How could she, as an activist filmmaker, resist such a sensational offer?

He further explained to her that he had placed great trust in her discretion. "No one, not even my most trusted confidante, is aware of my intentions, and it would not be fair for them to fall under suspicion for my actions," he said.

Poitras must have found it flattering that a total stranger was willing to disclose to her in e-mails what he would not tell even his "most trusted confidante" about his intentions to commit an illicit breach of U.S. national security. It also put her under enormous stress. She noted in her journal that the pressure made her feel as if she were "underwater." "I am battling with my nervous system. It doesn't let me rest or sleep. Eye twitches, clenched throat, and now literally waiting to be raided."

Snowden was also taking an extraordinary risk. After all, he had no way of knowing who else she told about him. She had long been concerned, with good reason, that the U.S. government was out to get her. An unknown person offering to supply her with secret documents could be attempting to entrap her. So Snowden could not preclude the possibility that she would consult with others about the offer he was making her. Because her current documentary project included interviews by her with Assange, Appelbaum, and three ex-NSA executives, intelligence services with sophisticated surveillance capabilities might also have taken a professional interest in her communications, as Poitras herself had suspected. Even if Snowden was somehow able to use his position as a system administrator at Dell to ascertain that the NSA did not have Poitras under surveillance, he could not be sure that other agencies, such as the Russian and Chi-

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nese intelligence services, were not monitoring his communications with her. It was, however, a chance Snowden was willing to take.

Snowden, in any case, did not intend to conceal his identity for more than a few months. He told Poitras he had a specific purpose in allowing her to name him in her ongoing film project. Indeed, he said it was essential in his plan to prevent others, including presumably his "most trusted confidante," from being suspected by law enforcement of helping him in his enterprise. He prevailed on her to accommodate his plan, saying, "You may be the only one who can prevent that, and that is by immediately nailing me to the cross rather than trying to protect me as a source." His choice of the imagery of crucifixion suggested that like Jesus Christ he was willing to sacrifice himself for the sake of others.

In keeping with their operational security arrangement, Snowden said that he would first send her an encrypted file of documents that she would not be able to read. Only after his conditions were met and "everything else is done," he said, "the key will follow." He was now pulling the strings. To get that key, she had to follow his instructions.

One of his conditions was that she help him recruit Greenwald and other outlets for his disclosures. "The material provided and the investigative effort required will be too much for any one person," he wrote to Poitras. He next directed her to contact Greenwald. "I recommend that at the very minimum you involve Greenwald. I believe you know him." (Snowden apparently did not tell her that he had unsuccessfully attempted to reach out to Greenwald before he had contacted her.)

His continued interest in Greenwald was understandable. Aside from Greenwald's opposition to what he called the "Surveillance State," he was a gateway to *The Guardian*. That publication had become an important player in the business of disclosing government documents by publishing a large part of the U.S. documents supplied to WikiLeaks, as we have seen. By breaking whistleblowing stories about U.S. intelligence, it had also greatly increased the circulation of its website. As an establishment newspaper, it also gave these WikiLeaks stories credibility with the media. So despite Greenwald's inability to create an encrypted channel, Snowden still needed him. He had no reason to believe that Greenwald would turn

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down the opportunity for a whistle-blowing scoop for *The Guardian*. After all, the classified documents Snowden would provide him would also give credence to both Greenwald's book and his many blogs denouncing U.S. government surveillance.

Aside from Greenwald and Poitras, Snowden sought an outlet inside the American establishment. So he had Poitras write to Barton Gellman, the Pulitzer Prize–winning reporter for *The Washington Post*. Poitras had met Gellman in 2010, when they were both fellows at NYU's Center on Law and Security. Poitras had requested help in encrypting her computer from Karen Greenberg, the executive director of the center, who took her "by the hand" to meet Gellman, Greenberg's resident expert on encryption software. Born in 1960, Gellman graduated from Princeton in 1981 and became an award-winning investigative reporter for the *Miami Herald*, the *Post*, and *Time* magazine. He was also the author of *Angler: The Cheney Vice Presidency*. If Gellman could be drawn into the enterprise, he could provide Snowden with a gateway to the prestigious American paper credited with bringing down President Richard Nixon in the Watergate scandal.

Poitras, as the go-between for Snowden, immediately contacted Gellman. After telling him she was involved in a story about NSA surveillance, she suggested that they meet in New York City.

For their rendezvous, Poitras took a number of precautions to evade anyone attempting to follow her. She had Gellman first meet her in one coffee shop in lower Manhattan. When he arrived, she had him follow her on foot to another coffee shop, following her anti-surveillance tradecraft. Once assured no one was watching them, she ordered coffee for herself and Gellman. Over coffee, she told Gellman about Snowden, whom she described as her anonymous source. She said that he was willing to supply Gellman with documents that would expose domestic surveillance, if Gellman agreed to write a story on it for the *Post*. Even though Gellman had left the staff of the *Post* in 2010, he had previously written several stories on that subject for the newspaper, and he was also highly regarded by the editors there. Gellman was interested in Poitras's offer (although he would consult a friend at the Justice Department about the legality of publishing NSA documents).

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Snowden had now laid the groundwork for at least two possible outlets. Poitras, however, was having some difficulty in bringing Greenwald in on the plan. Like Snowden, she did not trust writing to him in unencrypted e-mails, and because Greenwald lived in Brazil, she still had not found an opportunity for a face-to-face meeting with him.

That opportunity arose in mid-April 2013. Greenwald had flown to the United States to give the lead speech at an event in Yonkers, New York, sponsored by the Council on American-Islamic Relations, a pro-Muslim civil rights organization. He had delivered the keynote speech at its previous meeting in San Jose, California, where his impassioned depiction of the American "Surveillance State" received a rousing ovation from the attendees. He was invited to speak at this award dinner for its East Coast chapter.

Poitras flew from Berlin to New York to see him. On April 19, 2013, she arranged to meet Greenwald at noon in the restaurant of the Marriott hotel where Greenwald was staying. When Greenwald arrived at the restaurant carrying a cell phone, she explained to him that the NSA could surreptitiously turn his cell phone into a microphone and use it to eavesdrop on their conversation. She told him to go back to his room and leave his phone there. When he returned, phoneless, she took further precautions by having them change tables several times. Greenwald accepted these tactics because, as he later said, she was in charge of their "operational security."

When they finally settled at a table in the nearly empty restaurant, she showed Greenwald e-mails she had received from Citizen Four. Greenwald, as he recounted, made "no connection" to the "long-forgotten emails" he had received from Snowden under the alias Cincinnatus. Reading the e-mails that Snowden had sent to Poitras, he was impressed with the "sincerity" of the anonymous correspondent.

When Poitras showed Greenwald Citizen Four's mission statement in which he said his motive was to end the U.S. "surveillance state," Greenwald was further impressed with the source. The surveillance state Snowden described closely dovetailed with the surveillance state that Greenwald had described himself in his speech at the Council on American-Islamic Relations dinner in 2012. Of

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course, the similarity of the phrasing might not have been entirely coincidental. Greenwald's 2012 speech had been put on YouTube and widely circulated on the Internet just a few days before Snowden first wrote to him on December 1, 2012. Snowden identified himself as a privacy advocate, which was also how Greenwald often identified himself in his speeches. He also echoed other concerns Greenwald had publicly expressed, including defending American privacy from government intrusions.

Snowden promised the leaks he would supply would provide dramatic results. He asserted in one of his e-mails to Poitras that the "shock" of the documents he would give Greenwald would result in the public's learning about the secret "mechanisms through which our privacy is violated." According to Snowden's assessment, following that initial uproar, they could achieve another objective in their common cause. "We can guarantee for all people equal protection against unreasonable search," he wrote. In light of this convergence of views, it is not surprising that Greenwald was fully convinced of Citizen Four's bona fides. He said to Poitras, "He's real," and he agreed to help break the story in *The Guardian*.

Poitras now revealed to Greenwald that Citizen Four would deliver an entire trove of secret documents to them in six to eight weeks. According to this timetable, the Greenwald scoop and the "shock" Citizen Four promised would come in early to mid-June 2013.

At this point in April, Snowden was in full control. Although his job at Dell involved endlessly monitoring largely meaningless encrypted messages in the NSA tunnel, he had been able to get three major journalists to react favorably to his proposal. None of them knew his name, position, age, location, or where precisely he worked. Nor did they know the means by which he planned to obtain the secrets that he dangled before them. They also did not know where, or even if, they would meet their source. Their total knowledge about him was the description he improperly gave of himself: a "senior government employee in the intelligence community" (Greenwald speculated that he was a disgruntled CIA station chief).

Even though they were operating largely in the dark, these three journalists acted as almost any other ambitious reporter would if he or she were offered a major scoop about illegal acts of the govern-

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ment. In addition, the information was in line with what they had previously investigated or written about. None of these journalists had any reason to doubt at this point that their anonymous source was anything but the sincere whistle-blower he claimed to be. They could not have known from his anonymous e-mails that aside from the whistle-blowing documents he promised them, he was in the process of stealing a large number of other documents that concerned the NSA's sources and methods in foreign countries. These documents, to which Snowden never referred in his correspondence with them, had little if anything at all to do with domestic spying on American citizens.

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CHAPTER 8

Raider of the Inner Sanctum

> They think there's a smoking gun in there that would be the death of them all politically.
>
> —EDWARD SNOWDEN, Moscow, 2014

THE NIGHTMARE OF THE NSA is a penetration. As the CIA, the FBI, and the NSA found out in the 1990s, no intelligence service is invulnerable to it. Any employee of a large intelligence organization can turn, or be turned, against it. Among the more than ten thousand intelligence workers employed by the NSA, it is a near certainty that over time more than one of them will become dissatisfied with their work. A worker may have a personal grievance about salary, lack of promotion, or treatment by his or her superiors. Disenchantment with the NSA may also proceed from idealistic objections. The NSA is in the business of secretly intercepting messages, and an insider could come to find its spying activities at odds with his or her own beliefs about the violation of privacy. For any of these reasons, a disgruntled insider could go rogue. He or she then might attempt to right a perceived wrong by disclosing NSA secrets to another party. That party might then induce or blackmail the rogue employee into disclosing further secrets.

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To guard against this, the NSA has developed a well-organized system for stratifying its data so that obtaining critical secrets required a rogue employee to burrow into its heavily protected inner sanctum. As part of this system, the NSA divides its data into different tiers depending on the importance of the secrets to its operations. The first tier, Level 1, is mainly administrative material. This data would include FISA court orders and other directives its employees might need to check on to carry out their tasks. Level 2 contains data from which the secret sources have been removed. This tier, available to other intelligence services and policy makers, includes reports and analysis that can be shared. Level 3 contains documents that cannot be shared outside a small group of authorized individuals, because they disclose the secret sources through which the NSA surreptitiously obtained the information. This third tier includes, for example, compiled lists of sources in China, Russia, Iran, and other adversary countries. It also discloses the exotic methods the NSA uses to get some of this data. Level 3 documents also include reports on specific NSA, CIA, and Pentagon operations unknown to adversaries. These Level 3 documents are described by NSA executives as "the Keys to the Kingdom," because they could invalidate America's entire intelligence enterprise if they fell into the hands of an adversary. And, as far as is known, prior to 2013, there had been no successful theft of any Level 3 documents.

Because of their extreme sensitivity, Level 3 documents were not handled by most of the private firms providing independent contractors. At Dell, Snowden had access mainly to Level 1 and Level 2 data (which he could, and did, download from shared sites on NSANet). These lower-level documents had whistle-blowing potential because they concerned NSA operations in the United States. They did not reveal, however, sources that the NSA used in intercepting the military and civilian activities of foreign adversaries.

Snowden quit his job at Dell as a system administrator on March 15, 2013, to take another job working for the NSA in Hawaii at Booz Allen Hamilton. Unlike other outside contractors that serviced the NSA, the firm he now chose specialized in handling the NSA's Level 3 data.

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When Snowden applied to Booz Allen earlier in March 2013, the company had no opening for a system administrator at the National Threat Operations Center, an NSA unit in which it dealt with Level 3 data. It did have an opening for an infrastructure analyst, a lower-paying job involving maintaining the computer technology necessary to monitor threats. Despite a cut in pay, Snowden took that job. "Snowden was an IT guy, not a SIGINT analyst," a former NSA Signals Intelligence officer pointed out. "He was working as a contracted infrastructure analyst for NSA's Information Assurance arm, . . . [which, ironically as it turned out] protects classified U.S. communications from potential intruders." Steven Bay, the manager at Booz Allen who hired and supervised Snowden, recalled that the first "red flag" came up soon after Snowden began he training, when "Snowden began asking about a highly classified mass-surveillance program" to which Snowden did not have access (although Bay did). In retrospect, Bay realized that Snowden had applied for the job for a specific reason. "He targeted our [Booz Allen] contract directly," Bay said. "Somehow he figured out that our contract, and what we did on that contract, were the types of gates he needed to get access to."

Snowden subsequently told the *South China Morning Post* that he took this job to "get access to lists of machines all over the world the NSA had hacked." If so, he was after the keys to the NSA's kingdom of global surveillance. Booz Allen held those keys. "He targeted my company because we enjoy more access than other companies," Booz Allen's vice-chairman Michael McConnell said with the benefit of hindsight. As a result of the theft, he appraised, "an entire generation of intelligence was lost." McConnell, a former NSA director, was in a position to know.

Snowden's sudden career change had both advantages and disadvantages for the enterprise he was planning. The main advantage was that he would have proximity to the computers in which were kept the "lists" he sought of NSA global sources. The main disadvantage, aside from a cut in salary, was that he would no longer be a system administrator. This change meant he would no longer have privileges to bypass password restrictions or temporarily transfer data. Instead, as an infrastructure analyst, he would not have pass-

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word access, at least during the two-month-long training period, to the computers that he had not been specifically "read into," which did not include those computers that stored the Level 3 lists. Access to these tightly controlled compartments was limited to only a handful of analysts at the center who had a need to know.

Because the new job entailed handling higher-level secret documents, Booz Allen had stricter requirements for applicants than Dell. To slip by them, Snowden had engaged in a minor subterfuge. He wrote on his application that he was expecting a master's degree from the online division of Liverpool University in England. In fact, he had not completed a single course at Liverpool and would not be receiving any sort of a degree from it. Booz Allen did not verify this and had agreed to hire him as a trainee-analyst. It did not change that decision even after it found out about his subterfuge.

According to Admiral McConnell, Snowden never actually worked in the Booz Allen offices, which are housed in a skyscraper in downtown Honolulu. Instead, he was immediately assigned to work at the NSA's highly sensitive National Threat Operations Center at the Kunia base, the same location where he had worked for Dell.

Before he could begin working there, however, he needed to fly to Maryland to take a mandatory orientation course at the NSA. The course was given in an eleven-story building, with a sheer wall of black glass, on the NSA's 350-acre campus at Fort Meade. He arrived there from Hawaii on April 1, 2013. Like every other Booz Allen contractor who worked at the NSA's center, Snowden was required to sign the "Sensitive Compartmented Information Nondisclosure Agreement." In this document, Snowden acknowledged that he had been granted access to sensitive compartmented information, called SCI, as part of his work and that he understood that any disclosure of that information to an unauthorized person would violate federal criminal law. He was also told, as were all new contract employees at Booz Allen, that its disclosure could damage the interests of the United States and benefit its enemies. In signing the document, he swore an oath not to divulge any of this information without first receiving written approval from U.S. authorities. So less than two months before he downloaded sensitive compartmented infor-

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mation, he was fully aware of what the consequences of divulging this information would be. By this time, as we know, he had already agreed to deliver classified data to three journalists.

Snowden believed that bringing complaints to NSA lawyers or supervisors was, as he put it, "playing with fire." "When I was at NSA," Snowden later said in Moscow, "everybody knew that for anything more serious than workplace harassment, going through the official process was a career-ender at best."

Nevertheless, on April 5, 2013, while still in the training facility in Maryland, he apparently sought to establish a paper trail for himself. He wrote a letter to NSA's Office of the General Counsel asking whether or not NSA directives take precedence over acts of Congress. A lawyer from the Office of the General Counsel responded three days later, addressing Snowden as "Dear Ed." The lawyer said that acts of Congress take precedence over NSA directives. He also suggested that "Ed" phone him if he needed any further clarification. Presumably, Snowden had asked the question to elicit a reply he could later use to bolster his claim that the NSA had ignored or rejected policies regarding NSA directives. Instead, the "Dear Ed" response was of little use to Snowden, because it did not dispute his point that NSA directives must lawfully conform to the acts of Congress. The NSA lawyer never heard back from "Ed."

Snowden completed his orientation course at Fort Meade on Friday, April 12, 2013. While he was in Maryland, he took time off to pay visits to both of his divorced parents. It would be the last time he would see either of them in the United States.

He returned on April 13 to Hawaii. One domestic task he had to attend to was helping Mills pack up their possessions, which they stored in boxes in the garage. The lease on their house was up on April 30, 2013, and they had to move. According to Mills, they found a temporary rental just a few blocks away.

On Monday, April 15, Snowden began on-the-job training as an analyst at the National Threat Operations Center. He would not complete the course. The same week he began the training, he prepared his exit by writing to Booz Allen and saying he needed a brief medical leave in May to undergo treatment for epilepsy symptoms. As far as is known, he did not suffer from epilepsy. Booz Allen

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required a minimum of one month's notice for foreign travel. By making the request, he lessened the likelihood that it would arouse undue suspicion when he departed for Hong Kong with stolen documents on May 18. This brief window left him some four weeks to take the lists that he coveted.

Snowden carried out the heist with precision reminiscent of a *Mission: Impossible* movie caper. First, he needed to get passwords to up to twenty-four compartments at the National Threat Operations Center that he had not been read into. Even in the "open culture" of the NSA, this was not an easy challenge. He would be asking one or more intelligence professionals to break strict NSA rules that not only prohibited them from disclosing their passwords to an unauthorized party such as himself but required them to report any unauthorized person who asked to use their passwords. Remarkably, he accomplished this incredible feat. He gained access to twenty-four compartments containing the NSA's most closely guarded secrets in a matter of a few weeks.

Next, he had to find the lists he was seeking in a vast ocean of data. For this task, he used software applications called spiders to crawl through the data and find the files he was after. He deployed these robotic spiders, which presumably had been programmed in advance, soon after he began working at the center. According to the subsequent NSA damage assessment, Snowden's spiders indexed well over one million documents. Many of those that he copied and moved were from Level 3 sensitive compartmented information, according to the NSA analysis. The spiders also made his penetration relatively safe. As previously mentioned, the Hawaii base did not have a real-time auditing system. So alarm bells did not go off in the security office when he indexed documents.

Finally, Snowden had to find a way to transfer this data to a computer with an opened USB port. This task was complicated by a security precaution. Most of the computers at the center had had their ports sealed shut to prevent unauthorized downloads. Making the transfer even more difficult, he was working as an analyst in training in an open-plan office with closed-circuit security cameras. But it was not impossible. System administrators sometimes used service computers that had unsealed ports to back up data before they did

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maintenance work. Even though Snowden was no longer a system administrator, he could still perhaps befriend a system administrator or even steal or borrow a service computer.

Whatever the NSA's and Booz Allen's security measures, Snowden succeeded in getting the files. In a matter of a few weeks, he managed to download hundreds of thousands of Level 3 documents to an unsealed computer. He also took some less sensitive documents from the administrative file (which contained mainly Level 1 documents) at the end of April. These later acquisitions included an order from the FISA court issued on April 25, 2013.

He had completed the operation by May 17, the last day he would ever enter the NSA facility. He transferred the data he had amassed on the service computer, including the lists of the computers in Russia and China that the NSA had succeeded in penetrating, onto storage devices, which he later said were thumb drives. Then he coolly walked past the security guards at the exit, who only seldom performed random checks on NSA employees.

He carried out the entire operation with such brilliant stealth that he left few if any clues behind as to how he obtained his colleagues' passwords to multiple compartments, moved the data from many different supposedly sealed computers to an opened service machine, or downloaded these documents to multiple thumb drives without arousing suspicion. The NSA would not discover the theft for fifteen days.

His departure from Hawaii was also well prepared. Lindsay Mills had departed that morning for a planned two-week visit to the outer islands. This trip allowed him to pack his belongings without saying anything to her that might be difficult for her to later explain. He simply left a note that she could show to authorities saying that he was away on a "business trip." He informed Bay that he would have to go in for epilepsy tests on the following Monday and Tuesday. If the results weren't good, he might have to be out even longer.

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CHAPTER 9

Escape Artist

> I'm not self-destructive. I don't want to self-immolate and erase myself from the pages of history. But if we don't take chances, we can't win.
>
> —EDWARD SNOWDEN, Moscow, 2014

THE NEXT EVENING, May 18, Snowden drove to Honolulu International Airport. He left his leased car in the parking lot. He took with him only carry-on baggage, including a backpack and a laptop with a Tor sticker on it. "I took everything I had on my back," he said, referring to the backpack. He also said that he took enough cash to pay for his fugitive life and he took the thumb drives containing the NSA's keys to the kingdom.

At this point, of course, Snowden was not wanted by the authorities. He had provided his employer and the NSA with a medical excuse for his absence from work so he would not be immediately missed. He had a valid passport, a credit card, and ID. Snowden's destination was Hong Kong. After crossing the international date line, Snowden waited about three hours in the transit zone of Narita. He then boarded a plane to Hong Kong. After the four-hour flight from Narita, he arrived in Hong Kong early in the morning on May 20.

He had visited Hong Kong at least once before, with Lindsay Mills, when he was stationed in Japan. According to Albert Ho, his

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Hong Kong lawyer, Snowden stayed at a residence arranged for him in advance by a party whom Snowden knew prior to his arrival. As noted earlier, for the next ten days, Snowden did not use his credit card or leave any paper trail to his location. Wherever he was, "his first priority," as he later told Greenwald, was to find a place safe from U.S. countermeasures. He brought with him a large number of electronic copies of NSA documents marked TS/SCI/NOFORN, which stood for "Top Secret, Sensitive Compartmented Information, and No Foreign Distribution." According to government rules, data carrying these labels could not be removed from a government-approved "SCI facility." But Snowden, who brought them with him into this semiautonomous zone in China, broke these rules.

Wherever Snowden was staying, apparently he believed he was relatively safe. "That whole period was very carefully planned and orchestrated," Snowden later told *The Guardian* in Moscow. On May 22, he sent an e-mail to Bay (who did not know he had left Hawaii) saying that his epilepsy tests came back with "bad" results, and he needed further medical attention. Here Snowden communicated directly first with Gellman and then with Greenwald. He e-mailed Gellman under the alias "Verax."

Already, via Poitras, he had provided Gellman with PowerPoint slides from an NSA presentation about a joint FBI-NSA-CIA operation code-named PRISM. He believed it qualified as whistleblowing because it revealed that the NSA, in intercepting e-mails, tweets, postings, and other web interactions about foreign terrorists, incidentally also picked up data about Americans. According to the rules imposed on the NSA by a 2007 presidential directive, whatever information was accidently picked up about Americans was supposed to be filtered out, and hundreds of compliance officers were to recheck the data every ninety days to assure that directive was being carried out. Even so, it was likely some data was not expunged in this process. So PRISM could cause embarrassment for the NSA.

Snowden had not yet made arrangements to meet journalists, but now he proposed that Gellman join him in Hong Kong. In attempting to convince him of the urgency of the trip, he wrote that he had reason to believe that "omniscient State powers" imperiled "our freedom and way of life." He noted, with a touch of modesty, "Perhaps

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I am naive." He also added dramatically, "I have risked my life and family." Even so, Gellman declined coming to Hong Kong. (According to Greenwald, Gellman could not make the trip, because lawyers for *The Washington Post* were uneasy with having a reporter receive classified documents in a part of China.)

On May 24, 2013, Snowden attempted to apply more pressure on Gellman by telling him that the story about the PRISM program had to be published by the *Post* within seventy-two hours. Gellman could not accede to such a condition, because the decision of when to publish a story was made not by him but by the editors of the newspaper. He told Snowden that the earliest the story could be published was June 6, 2013, which was well past Snowden's deadline.

Snowden next turned to Greenwald in Brazil. Both Poitras and Micah Lee had made great efforts to tutor Greenwald on encryption protocols, with Lee's sending Greenwald a DVD by FedEx that would allow him to receive both encrypted messages and encrypted phone calls. Even then, Greenwald was unable to fully install it. As a result, Greenwald still had not met Snowden's requisites on encrypting his computer.

With Gellman uncertain, Greenwald was now essential to Snowden's plan. If he was to have any newspaper outlet, he needed to persuade Greenwald to come to Hong Kong. At this point, he took matters into his own hands. On May 25, Snowden somewhat aggressively e-mailed Greenwald, saying, "I've been working on a major project with a mutual friend of ours. You recently had to decline short-term travel to meet with me." Although he did not specify the "short-term travel" to which he referred, he added pointedly, "You need to be involved in this story." He suggested that they immediately speak on the phone via a website that encrypts conversations. Snowden began the call by complaining, "I don't like how this is developing." He made it clear that he, not the journalist he had selected, was pulling the strings. If Greenwald wanted the scoop, he had to follow Snowden's instructions, which included dividing the scoops between *The Guardian* and *The Washington Post*. According to his plan, Gellman would break the PRISM story in the *Post*, and Greenwald would break the "mass domestic spying" story in *The Guardian*. In addition, he insisted that *The Guardian* publish his per-

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sonal manifesto alongside its story. As he envisioned it, the media event would also include a video component in which Greenwald would interview him.

Greenwald agreed to this micromanaging, So Snowden said he would send him what he called a "welcome package" of documents to demonstrate his good faith. His plan also required a face-to-face meeting. Snowden told him, "The first order of business is to get you to Hong Kong." The whole conversation lasted two hours, according to Greenwald.

Snowden sent him twenty classified NSA documents labeled "Top Secret." He also included in the package his personal manifesto, which asserted that the NSA was part of an international conspiracy of intelligence agencies that were working to "inflict upon the world a system of secret, pervasive surveillance from which there is no refuge."

Meanwhile, Snowden told Poitras he was sending her a number of NSA documents, including a FISA warrant that had been issued less than a month earlier. He wanted that FISA warrant to serve as the basis of Greenwald's scoop. It was perfect whistle-blowing material for *The Guardian* because it ordered Verizon to turn over all its billing records for ninety days to the NSA. It was as close to a smoking gun as anything he had copied at the NSA. It would also get attention because James Clapper, the director of national intelligence, had stated before Congress just two months earlier that the NSA did not collect phone data in America. This warrant would allow *The Guardian*, in the best tradition of gotcha journalism, to catch Clapper in an apparent lie.

Continuing his string pulling, Snowden instructed Poitras not to show the FISA warrant to Greenwald until they were safely aboard a plane to Hong Kong. That would prevent Greenwald from releasing the story previously. He also sent Poitras an entire encrypted file of NSA documents, saying it would "include my true name and details for the record, though it will be your decision as to whether or how to declare my involvement." He did not send her the key to decipher the file, saying, "The key will follow when everything else is done." He further told her that he preferred that her new film

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focus on him as the sole perpetrator of the leak so that no one else at the NSA would be suspected.

Poitras and Gellman were not the only journalists involved in the news event. Poitras also asked Appelbaum to help her interview Snowden about the NSA's operations. She later said that she needed someone with technical expertise in government surveillance to test the bona fides of Citizen Four. She believed that Appelbaum, who had participated in her anti-NSA presentations in 2012, qualified for the position.

Snowden previously had contact with Appelbaum. Appelbaum had communicated with Snowden under his Oahu CryptoParty alias about an obscure piece of software just a few weeks after Snowden had met with Runa Sandvik in Hawaii in December 2012. Appelbaum, in fact, had worked with Sandvik as a core developer of Tor software. Snowden allowed Appelbaum to put detailed questions to him concerning the secret operations of the NSA before he met with Poitras and Greenwald in Hong Kong. Indeed, Poitras joined him in asking Snowden via encrypted e-mails such questions as "What are some of the big surveillance programs that are active today and how do international partners aid the NSA?" "Does the NSA partner with other nations, like Israel?" and "Do private companies help the NSA?" Snowden answered all the questions to the satisfaction of Appelbaum and Poitras. (The interview was published on July 8, 2013, with Snowden's approval on the website of *Der Spiegel*, the German weekly, which had also published the WikiLeaks documents.)

As the days ticked away while Snowden was waiting for Greenwald in Hong Kong, Greenwald was awaiting a green light to go there from Janine Gibson, the editor of the *Guardian* website, who was based in New York. Under Gibson's leadership, *The Guardian*'s website had effectively "gone into the business of publishing government secrets," as the *Guardian* columnist Michael Wolff pointed out. Most of the documents had been supplied by Bradley Manning via WikiLeaks. Few if any of these previous documents *The Guardian* published were highly classified, and none were SCI top secret documents. The NSA documents Greenwald had received

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from Citizen Four were another matter. They contained the sort of SCI communications intelligence data that no major newspaper had ever published before. Their disclosure might result in journalists' being imprisoned, because both British law and U.S. law criminalized the disclosure by anyone of communications intelligence. As a lawyer, Greenwald recognized this danger. On the other hand, the NSA documents were far more explosive than the WikiLeaks material and promised an even greater spike in circulation. So Greenwald assumed that Gibson would be willing to authorize their publication and provide the expenses for his trip to Hong Kong.

He flew from Rio to New York on May 30 to meet in person with Gibson, who had concerns about publishing what were purported to be top secret documents that came from an anonymous source. She was certainly not willing to go along with Citizen Four's demand that *The Guardian* publish his personal manifesto alongside the documents. Aside from its shrill and alarming tone, it sounded, as she told Greenwald, "a bit Ted Kaczynski-ish," referring to the mathematician known as the Unabomber who had maimed or killed twenty-six people with anonymous mail bombs between 1978 and 1995. Kaczynski had also demanded that newspapers publish his personal manifesto. Gibson explained to Greenwald, "It is going to sound crazy to some people." Her concern was that it would detract from the credibility of the rest of the story. Snowden had also written to Greenwald to explain his position. "Even the Constitution is subverted when the appetites of power demand it," Snowden said. Paraphrasing President Thomas Jefferson, he continued, "Let us speak no more of faith in man, but bind him down from mischief by the chains of cryptography." Snowden, showing his cultlike faith in encryption, substituted "cryptography" for Jefferson's word "constitution." Gibson was unmoved. The stolen NSA documents were another matter. They were an enormous scoop that could have a greater impact than the WikiLeaks scoop.

Gibson authorized Greenwald's trip to Hong Kong on the condition that he take with him a *Guardian* staffer in whom she had confidence, the Scottish-born Ewen MacAskill, a sixty-one-year-old veteran journalist who had been the Washington bureau chief for *The Guardian*. His assignment was to evaluate the bona fides of the

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anonymous source in Hong Kong for Gibson. Greenwald accepted her terms. Poitras, who would be accompanying them, would be paying her own way.

In case *The Guardian* failed to publish the story, Snowden had a contingency plan in place. While Greenwald was negotiating with Gibson, Snowden arranged for Micah Lee, Poitras's associate at the Freedom of the Press Foundation, to build a personal website for him. Writing to Lee from Hong Kong, first under his alias Anon108 and later under his real name, Snowden said that he planned to post his "anti-surveillance manifesto." He would also use it to post "a global petition against surveillance." Snowden had Lee name the site "SupportOnlineRights.com." According to Lee, the website would be built with a "dead man's switch," which would automatically trigger the release of NSA documents if Snowden was arrested. It was not clear whether Lee was doing this work as a freelancer or in his capacity as the chief technology officer for the Freedom of the Press Foundation. The website Lee built for Snowden proved unnecessary when Poitras e-mailed him on June 1 that *The Guardian* had approved the trip and she and Greenwald were booked on a Cathay Pacific flight to Hong Kong. They would arrive the next day.

In his preparation to go public in Hong Kong, Snowden showed himself fully capable of orchestrating what would become a major news story. He not only picked the journalists who would break it but also instructed each of them as to the timing, sequence, and content of their initial disclosures. In the security of his unknown residence in Hong Kong, he also worked to carefully separate the purloined NSA documents into two very different caches. "I carefully evaluated every single document I disclosed," Snowden explained to the *Guardian* journalists in early June. The documents in this first cache were selected to serve what he termed the "public interest." In the hands of journalists, these selected documents, and the story he fashioned to accompany them, would burnish his image in the public consciousness as a whistle-blower. He did not turn over the second cache, telling Greenwald, "There are all sorts of documents that would have made a big impact that I didn't turn over."

By the time he received the message from Poitras, Snowden had

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finished his preparations for the journalists. With selected documents copied on a thumb drive, he moved from the residence where he had been staying for ten days to a venue for meeting the reporters. The place he chose, as noted earlier, was the Mira hotel in the Kowloon district of Hong Kong, where he checked in under his own name. He e-mailed Poitras his name and the address of the hotel; there was no longer any reason to hide his true identity.

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CHAPTER 10

Whistle-blower

> They elected me. The overseers . . . The [American] system failed comprehensively, and each level of oversight, each level of responsibility that should have addressed this, abdicated their responsibility.
>
> —EDWARD SNOWDEN, Moscow, 2013

WHILE SNOWDEN in Hong Kong was attempting to reel in the journalists, Lindsay Mills returned to Honolulu from her "island-hopping" trip to find their house partially flooded and Snowden nowhere to be found. In a brief note Snowden left her, he said he was away on a business trip and indicated that, at least temporarily, their eight-year relationship was on hold.

"I feel alone, lost, overwhelmed, and desperate for a reprieve from the bipolar nature of my current situation," she wrote in her journal on June 2 (which would be June 3 across the international timeline in Hong Kong). "I've nearly lost my mind, family, and house over the past few weeks." She also noted in her online journal, "Oh and I physically lost my memory [SIM] card with nearly all my adventure photos," as well as other personal data. The loss would make it difficult to reconstruct her past activities with Snowden.

In Hong Kong, if Snowden were following Lindsay's online journal, he would have read that his girlfriend had returned home, lost her data, and needed a "reprieve" from the situation in which he had

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put her. But because they were exchanging private text messages by then, he would not have needed to consult her public journal. Snowden was certainly aware that he would soon be the object of a manhunt that could involve those with whom he was acquainted. He instructed Poitras to mask their e-mail communications in cyberspace "so we don't have a clue or record of your true name in your file communication chain." Such precautions were necessary, he explained to her, because "every trick in the book is likely to be used in looking into this." The journalists arrived the evening of June 2.

The Mira hotel can be entered by guests both through a ground-floor lobby with a restaurant and a smaller third-floor lobby that connects to the Mira shopping mall. The instructions that Snowden sent Poitras on her arrival were an exercise in control: "On timing, regarding meeting up in Hong Kong, the first rendezvous attempt will be at 10 a.m. local time. We will meet in the hallway outside of the restaurant in the Mira Hotel. I will be working on a Rubik's cube so that you can identify me. Approach me and ask if I know the hours of the restaurant. I'll respond by stating that I'm not sure and suggest you try the lounge instead. I'll offer to show you where it is, and at that point we're good. You simply need to follow naturally." According to Greenwald's account, Snowden changed the plan to the upper lobby. "We were to go to the third floor," Greenwald writes. "We were to wait on a couch near a 'giant alligator,' " which Poitras said was a room decoration. (A hotel executive told me that the hotel knew of no plastic alligator on the third floor but possibly it had been temporarily parked there by a hotel guest.) They were then to give the recognition signal. Although these instructions provided the atmospherics of "an international spy thriller," as Greenwald described them, Snowden hardly needed any spy tradecraft to recognize Greenwald and Poitras because there were many photographs of them on the Internet.

In any case, they gave the recognition signal, twice, in the designated place, and a young man walked over to them holding a Rubik's Cube. Greenwald noted, "The first thing I saw was the unsolved Rubik's Cube, twirling in the man's left hand." The man said, "Hello," and introduced himself as "Ed Snowden."

Greenwald was particularly surprised by Snowden's boyish looks.

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"The initial impression was one of extreme confusion," Greenwald wrote in his book. "I was expecting to meet somebody in his sixties or seventies, someone very senior in the agency, because I knew almost nothing about him prior to our arrival in Hong Kong." His initial confusion was understandable. Snowden, it will be recalled, had falsely identified himself to them in an e-mail as a senior member of the intelligence community.

Snowden led Greenwald and Poitras to the nearby elevator, and they went through various corridors of the hotel to his room on the tenth floor. It was mainly occupied by a king-sized bed, but it also featured a sleek writing desk in the corner, two chairs, and a modernistic lamp. The bathroom was behind a glass partition, which could be closed off by a black louver blind. There was also a small refrigerator in which Snowden asked them to stow their cell phones.

Snowden, as we know, had already told Poitras that he wanted her to make a documentary of the meeting. She therefore wasted no time in mounting her camera on a tripod. "Minutes after meeting, I set up the camera," she said. Snowden told her, "When you are involved in an action which is likely to get you indicted, you typically don't have a camera rolling in the room." Nevertheless, he allowed her to film his actions for the next eight days. One possible reason is that he had no intention of standing trial. In any case, as Poitras found out, Snowden was anything but camera shy. Over the next week, she would shoot over twenty hours of Snowden's activities in that small room. It was essentially a one-man show, a presentation of him, by himself, for the appreciation of a global public. Poitras knew virtually nothing about her subject until ten minutes before she began filming him. She had not even googled him, because she was concerned that her Internet search might alert the NSA and law enforcement authorities. In an over-the-top waiver of his own privacy, he allowed her to film him washing in the bathroom, preening his hair in the mirror, napping on his bed, getting dressed, and packing his bag. He even permitted her to film a private computer exchange between him and Mills (who was in Honolulu). That day Mills informed Snowden that two government investigators had come to their home in Hawaii, asking her about Snowden's whereabouts. When he had failed to show up for work on June 3 it

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evidently set off alarm bells at Booz Allen and the NSA. Snowden expressed anger to the journalists in the room at the NSA's intrusions on the privacy of his girlfriend.

Snowden also performed his security procedures on camera, including stuffing bed pillows under the door to block any eavesdroppers and throwing a red blanket over his head, which he called jokingly his "magical cloak of power." He explained to Greenwald that he donned his "cloak" when he turned on his laptop to prevent any hidden cameras in the room from spotting his password. He also checked the hotel phone for bugs. It was not without irony that he went through these security rituals to protect his data as he allowed Poitras to film NSA data on his computer screen. Because he planned to use these journalists as his outlets to go public in a few days, the security measures he performed while on camera would only serve a temporary purpose.

The centerpiece of the planned video would take the form of an interview with Greenwald. Snowden himself provided the talking points. The filming would eventually provide Poitras with a feature-length documentary, *Citizenfour,* which would be commercially released in October 2014 and win an Academy Award for her.

The next day, Ewen MacAskill, whom Poitras had not wanted Greenwald to bring to the initial meeting, joined Poitras and Greenwald in Snowden's room. Snowden insisted that MacAskill also go through the ritual of stowing his cell phone in the minibar refrigerator. Not without irony, Snowden's own phone can be seen on his bed recharging. Although MacAskill was sent by Gibson to the event to verify the source's bona fides, he had apparently hardly been briefed. The questioning went as follows:

MACASKILL: Sorry, I don't know anything about you.
SNOWDEN: OK, I work for—
MACASKILL: Sorry, I don't know even your name.
SNOWDEN: Oh, sorry, my name is Edward Snowden. I go by Ed.

MacAskill went on to ask him to enumerate the various positions he held during his career in intelligence. Snowden was not entirely

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truthful in describing himself. He said that he had been a senior adviser to the CIA, when he had been just a telecommunications support officer. He also said he had been a senior adviser at the Defense Intelligence Agency, even though, according to that intelligence service, he was never employed there. (He did speak at an interagency counterintelligence course the DIA had sponsored.) He said he had a $200,000-a-year salary from Booz Allen when, according to Booz Allen, it was $133,000. It is understandable that he wanted to impress these *Guardian* journalists in light of his young age and boyish appearance, even to the extent of meretriciously claiming in the video that he had been personally given the "authority" at the NSA to intercept President Obama's private communications, which, according to an NSA spokeswoman, was not true. No NSA employee, and certainly no civilian contract worker, was given the authority to spy on the president of the United States, she insisted. Such career enhancements reinforced the fact that Snowden altered reality when it suited his purpose with journalists.

Snowden had greatly exaggerated or misrepresented the positions he held with the CIA and the DIA, but no effort was made by the team of journalists to verify the information. Instead, MacAskill wrote to Janine Gibson in New York, "The Guinness is good." It was a prearranged code by which MacAskill certified Snowden's credibility for *The Guardian*. Gibson told Greenwald to proceed with the story. Snowden had already provided Poitras and Greenwald with thumb drives on which he had loaded the documents he wanted them to use.

Greenwald wrote his first story about NSA transgressions based almost entirely on the FISA warrant involving Verizon's cooperation that Snowden had copied from the administrative file. Before the story could be published, however, the *Guardian* policy required relevant American government officials be given the opportunity to respond. Gibson made the requisite call to the White House national security spokesperson, Caitlin Hayden, who arranged a conference call with the FBI's deputy director, Sean Joyce, the NSA's deputy director, Chris Inglis, and Robert Litt, the legal officer for the Office of the Director of National Intelligence. After duly taking into account

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the response of these three officials, which included the admonition by Litt that "no serious news organization would publish this," Gibson gave the green light to publish the story.

The story broke on June 6. "NSA Collecting Phone Records of Millions of Verizon Customers Daily," proclaimed the *Guardian* headline. Under Greenwald's byline, it said, "Exclusive: Top secret court order requiring Verizon to hand over all call data shows scale of domestic surveillance under Obama." Along with it was the FISA order. The PRISM story broke hours later in *The Washington Post*. Written by Gellman and Poitras, it claimed that the NSA and the FBI were tapping directly into the central servers of nine leading U.S. Internet companies, which were knowingly participating in the operation. The latter allegation turned out to be not entirely true, because some of the Internet companies cited in the story denied that they had knowingly participated. The back-to-back publication of these two stories by *The Guardian* and the *Post*, however, provided the explosive "shock," at least in the global media, that Snowden had predicted.

Snowden's identity had not been revealed in either the *Guardian* or the *Post* story on June 6. Snowden, however, insisted on outing himself. He explained to Greenwald that he needed to "define himself" before the U.S. government "demonized" him as a spy. That self-definition would be accomplished by a twelve-minute video titled "Whistleblower." Poitras extracted much of the material for the video from the twenty or so hours she had shot. In the filmed interview, Snowden voiced many of the same statements he had made in his manifesto, so he no longer needed to post that on the Internet. When he insisted on the immediate airing of the video, Greenwald told him that by going public in this way, he was saying "fuck you" to the American government. Snowden replied, "I want to identify myself as the person behind these disclosures."

On June 9, the video was posted on the *Guardian* website with the Freedom of the Press Foundation getting an on-screen credit. "My name is Ed Snowden," the extraordinary disclosure began. He then described how the NSA was watching U.S. citizens. Even though the NSA press spokesperson subsequently disputed some of his more dramatic claims, such as his assertion that he had the authority at

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the NSA "to wiretap anyone, even the president," the press largely accepted his claims as established facts. As for American surveillance, he declared, "I don't want to live in a society that does those sorts of things."

The *Guardian* story accompanying the video carried the headline "Edward Snowden: The Whistleblower Behind the NSA Surveillance Revelations." Overnight, Snowden became a global celebrity and, to much of the world, a hero.

The next morning he packed his belongings into a backpack and moved, without notifying the front desk, to another room Poitras had rented at the Mira. Complicated schemes, especially when they involve transferring state secrets to unauthorized parties in a foreign country, do not necessarily go as planned. That was true of Snowden's escape plan. Snowden had no plan to stay put and face the music. On the morning of June 10, though, there was apparently a problem. Robert Tibbo and Jonathan Man, the lawyers who, along with Albert Ho, had been retained for Snowden by an unidentified party, received an emergency phone call early in the morning telling them to help Snowden move to a safe location. Although Tibbo would not identify the person who had called, the message had been relayed to Man and him through Ho's office. When Tibbo called Snowden offering to help him move, Snowden told him, "I can make myself unrecognizable."

Tibbo and Man immediately proceeded to the mall adjacent to the Mira hotel, where they met Snowden. After he signed a document appointing Ho's law firm as his "legal adviser," the three of them slipped out via the mall exit. Tibbo and Man planned to move Snowden to the apartments of refugees who were their clients.

Snowden's credit card had been frozen, so it is not clear who paid his sizable hotel bill. According to hotel records, it was paid by another credit card. Poitras, who had taken a room at the hotel, might have used her own credit card, or Snowden might have had another benefactor in Hong Kong. In any case, the lawyers escorted Snowden to a prearranged residence.

"I am in a safe house for now," Snowden wrote to Greenwald on June 11. The situation might not have been totally under his control, because he added, "But I have no idea how safe it is."

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Greenwald flew back to Brazil that day. Soon afterward, he would resign from *The Guardian*. In February 2014, he became the co-founding editor of *The Intercept*, an online publication dedicated to investigative journalism, which was backed by the Internet billionaire Pierre Omidyar.

Poitras remained in Hong Kong, where she moved, along with the *Guardian* reporter MacAskill, to the five-star Sheraton Hong Kong Hotel & Towers, which, like the Mira hotel, was on Nathan Road in Kowloon. *The Guardian* paid the bill. Her next task was to set up what turned out to be Snowden's final interview in Hong Kong. It was scheduled for June 12.

The journalist chosen was Lana Lam, a young Australian reporter working for the *South China Morning Post*. Tibbo had suggested Lam to Snowden. She had served as Tibbo's outlet on previous news stories, and, as he told me, he found her to be a totally reliable journalist. He brought her to Poitras's suite at the Sheraton in Kowloon. First, Lam had to agree to the conditions of the interview, which included submitting the story to Poitras for Snowden's approval. Next, as Lam put it, Poitras "confiscated" her cell phone. Finally, after a ten-minute wait, Poitras took her to another room and sat her before a black laptop. The laptop, which had a Tor sticker on it, had on its screen an online chat room where she was connected by Poitras to Snowden.

"Hi Lana, thanks for coming for this," Snowden said from his safe house. He told her that the NSA had intercepted data from at least sixty-one thousand different computers in Hong Kong, China, and elsewhere. To expose what he called America's "hypocrisy" in accusing China of cyber espionage, he supplied her with relevant NSA documents. "Last week the American government happily operated in the shadows with no respect for the consent of the governed, but no longer," he said. "The United States government has committed a tremendous number of crimes against Hong Kong [and] the People's Republic of China as well." Under Poitras's close supervision, Lam was allowed to ask Snowden more questions about the NSA's interception of communications in Hong Kong and China. He told her, "I have had many opportunities to flee Hong Kong, but I would rather

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stay and fight the United States government in the courts." That bit of braggadocio would not be proven out.

Greenwald, Poitras, and MacAskill in their reporting did not concern themselves with any of the mechanics of the largest theft of top secret documents in the history of the United States. In the entire filmed interview at the Mira hotel, for example, they did not ask their source how he managed to get access to the documents. Lam, however, asked him about how he widened his access. When she asked him why he had switched jobs from Dell to Booz Allen Hamilton in March 2013, his answer provided her with a real scoop: "My position with Booz Allen Hamilton granted me access to lists of machines all over the world the NSA hacked." Snowden told her that he deliberately went to Booz Allen Hamilton to get access to the "lists" revealing the NSA's sources in foreign countries. This admission could further complicate his legal situation in Hong Kong because it suggested that he meant to steal documents even before he had known their content. In fact, to protect himself, he restricted Lam from publishing this part of the interview until *after* he had departed Hong Kong. (It was not published until June 24, a day after he arrived in Russia.) This condition indicated to Lam that as early as June 12, if not before, he was planning on leaving Hong Kong.

His interview with Lam didn't reveal how he had learned about these "lists" before taking the job. Nor did he reveal to her what he planned to do with these lists. He made it clear to her, however, that he had not disposed of all his secret documents. "If I have time to go through this information," he said, "I would like to make it available to journalists in each country to make their own assessment, independent of my bias, as to whether or not the knowledge of US network operations against their people should be published." So as late as June 12, Snowden was still reading and assessing the files he had stolen from the NSA four weeks earlier.

Poitras vetted the Lam interview. Soon afterward, she suspected that she was being followed. That was likely, because by June 14 all the intelligence services in Hong Kong knew that she was in contact with Snowden.

"I was being tailed," Poitras recalled in an interview with a *Vogue*

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reporter in Berlin in 2014. "The risks became very great," she said in describing her situation in Hong Kong. So, on June 15, she left Hong Kong and flew back to Berlin, where she began editing her footage of the Snowden interview.

Meanwhile, Snowden, organizing his own exit from Hong Kong, placed a call to Julian Assange.

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CHAPTER 11

Enter Assange

Thanks to Russia (and thanks to WikiLeaks), Snowden remains free.

—JULIAN ASSANGE, *Newsweek*, 2015

JULIAN ASSANGE had made a brilliant career of trafficking in state, military, and corporate secrets. Born on July 3, 1971, in Queensland, Australia, Assange began his hacking career while still a teenager. Using the alias Mendax ("the untruthful one"), he had hacked into the computers of the Pentagon, the U.S. Navy, NASA, Citibank, Lockheed Martin, and Australia's Overseas Telecommunications Commission before he was twenty. At the age of twenty-five, he pleaded guilty to twenty-five charges of hacking in Australia but was released on a good behavior bond. In 2006, with the spread of Tor software, he co-founded WikiLeaks, a website in which secret documents could be anonymously sent and posted. The site received little public attention until Bradley Manning sent it several hundred thousand lowly classified U.S. military and State Department documents in April 2010. With these stolen documents, WikiLeaks became a media sensation, and Assange, the runner-up for *Time*'s Man of the Year for 2010, became a leading figure, along with Appelbaum, in the global hacktivist underground.

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In November 2010, however, he ran into a legal problem in Sweden. A judge in Stockholm ordered his detention on suspicion of rape, sexual molestation, and unlawful coercion. He denied the charges but was arrested in London on a European arrest warrant. In December, he was released on a $312,700 bail deposit (supplied by his supporters) and confined to Ellingham Hall in Norfolk, England. While awaiting the outcome of the extradition proceedings, he lived there with Sarah Harrison, his twenty-eight-year-old deputy at WikiLeaks. A graduate of the elite Sevenoaks School in Kent, Harrison served as Assange's liaison with the outside world. Although she was officially given the title "investigative editor" of WikiLeaks, she worked so closely with Assange during this period that the British press carried stories saying she was his paramour. Harrison worked on a WikiLeaks documentary titled *Mediastan*, which concerned WikiLeaks's exposure of U.S. secret operations in Russia and other parts of the former Soviet Union. It was a project that took her to Russia and provided her with a multi-entry Russian visa.

In June 2012, after the extradition order was upheld, Assange jumped bail and fled to the Ecuador embassy in London. For the next year, his only visible means of income was a weekly program from the embassy. It was sponsored in 2012 by RT television, a Moscow-based, English-language news channel funded by the Russian government, which would also finance and release *Mediastan*. This sponsorship suggests that the Russian government saw potential value in the document-gathering activities of WikiLeaks.

Snowden telephoned Assange at his refuge at the Ecuador embassy on June 10, 2013. According to Assange, Snowden needed help for his exit plan. He wanted Assange to use WikiLeaks's "resources" to get him out of Hong Kong. Assange considered it a surprising request, because Snowden had not given any of the stolen documents to WikiLeaks. In their discussion, according to Assange, Snowden claimed that one reason he decided to take the secret NSA documents was the brutal treatment of Bradley Manning after he was arrested in 2010 by the U.S. government. "Snowden told me they had abused Manning in a way that contributed to his decision to become a whistle-blower," Assange said in an interview in 2015.

If Manning's mistreatment was Snowden's motive, it was a sharp

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departure from the position Snowden had taken in his postings on the *Ars Technica* site in January 2009. He complained in a post there about the detrimental consequences to U.S. intelligence of leakers' revealing "classified shit" to *The New York Times*, and he suggested as punishment "those people should be shot in the balls." Either he had a change of heart, or he was telling Assange what he believed he wanted to hear.

Assange counseled Snowden to go directly to Russia. "My advice was that he should take asylum in Russia despite the negative PR consequences," he told the London *Times* in 2015. He said, "Snowden was well aware of the spin that would be put on it if he took asylum in Russia." So a story would be released presumably by WikiLeaks, coinciding with his departure, asserting that Snowden was "bound for the republic of Ecuador via a safe route." When Snowden asked how he would carry out the plan, Assange told him that he would immediately dispatch one of his senior staff members to help him engineer his escape to Russia. That senior staff member was Sarah Harrison.

After speaking to Snowden, Assange called Harrison, who was in Melbourne. She had gone there a month earlier to help organize Assange's somewhat quixotic election campaign for president of Australia. Assange told her to forget the campaign and go to Hong Kong. She was to use WikiLeaks's resources to save Snowden from "a lifetime in prison." Presumably, Assange told her that he had advised Snowden to proceed to Russia. Harrison later said that she didn't even bother to pack her clothing after hearing from Assange. She caught the next plane to Hong Kong and arrived there on June 11—the same day that Snowden texted Greenwald he was in a safe house and before Snowden's explosive interview with Lam. Harrison had her own connections in Hong Kong. Her two younger sisters, Kate and Alexandra, lived there and were part of the expatriate community. She also had an older brother, Simon, who headed Avra, a ship brokerage and commodity trading company, headquartered in Singapore, but he frequently traveled to Hong Kong on business.

Like Poitras, Sarah Harrison took great care to shield her movements. She did not have a Twitter, Facebook, or any other social media account. She did not own a cell phone for fear of being tracked by an

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intelligence service. When she traveled, she bought "burner" phones locally and disposed of them before any calls could be traced back to her. Upon arriving in Hong Kong, she avoided meeting Snowden face-to-face out of concern about the surveillance of American intelligence there. Instead, for thirteen days in Hong Kong she worked through intermediaries. Her task was not only to arrange Snowden's escape route but also to create diversions to camouflage his real destination. Under Assange's tutelage, she had made deceptive ploys an integral part of her tradecraft. "We were working very hard to lay as many false trails as possible," she later told an interviewer in Berlin.

According to Assange, she booked decoy flights for Snowden to Beijing and New Delhi. She also used Snowden's credit card number to pay for the flight to India; because the card was blocked, she knew there was a high probability that it would come to the attention of U.S. intelligence. According to Harrison, she booked no fewer than a dozen such decoy tickets to confuse Snowden's possible pursuers in U.S. intelligence. The only actual ticket she bought for Snowden, according to an Aeroflot official, was one to Moscow at the last minute. She bought a ticket for herself on the same flight, leaving on June 23.

The source of the money for the Assange-Harrison operation is unclear. Subsequently, Harrison said she was setting up secret bank accounts to help organize such transborder escapes. Assange said she was using "WikiLeaks's resources." Harrison said the "WikiLeaks team" helped fund Snowden's flight to Russia from Hong Kong, as well as her own flight there. But WikiLeaks was not an organization with spare cash in June 2013. Assange had forfeited his own bail by fleeing to the embassy of Ecuador, offending many of his financial supporters in Britain. He had also all but exhausted his bank account. Aside from money that dribbled in from Poitras's six-month-old Freedom of the Press Foundation, the only steady source of funds for WikiLeaks in 2013 was the previously mentioned payments Assange received from the Russian government's RT television.

Mounting pressure was brought on the Hong Kong government to take action against Snowden. On June 16, the U.S. government informed the Hong Kong authorities that it had filed a criminal complaint against Snowden and would be seeking his extradition.

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Because Hong Kong had a vigorously enforced extradition agreement with the United States, as mentioned above, it was expected that Snowden would be taken into custody. But China had the final say in any extradition decision. In fact, China had explicitly been given the right of vetoing any extraditions for any reason in the formal 1999 agreement between Hong Kong and the United States. Because the Chinese president, Xi Jinping, had just met with President Obama in California, China also had an interest in avoiding embarrassing public demonstrations on behalf of Snowden. According to a well-placed official in Hong Kong, China's liaison office in Hong Kong told the Hong Kong Authority in no uncertain terms that Snowden had to be out of Hong Kong by June 23.

On June 19, Snowden had a meeting with Tibbo, the barrister who would handle any eventual court case, and Man and Ho, the Hong Kong solicitors who had been retained for him. It took place in a small apartment where, according to Ho, they ate pizza while they discussed Snowden's options.

Tibbo wanted Snowden to remain in Hong Kong, allow himself to be arrested, seek bail, and fight extradition in court. Tibbo said he planned to mount a powerful legal defense against extradition by using a provision in Hong Kong's extradition treaty with the United States that protects fugitives from persecution on political grounds. After he told Snowden that it would entail a long court battle, Snowden asked him if he could avoid even being arrested.

Tibbo explained that Hong Kong courts, which closely follow British law, would certainly issue an arrest warrant for him immediately after the United States formally filed charges against him. Those charges could come within hours, he reckoned. Soon afterward, Snowden would be temporarily jailed, and his computers, electronic gear, and thumb drives would be seized and placed in the custody of the court. Tibbo would immediately seek his release on bail but could not guarantee an outcome because Snowden, who had fled U.S. jurisdiction, might be considered a flight risk. If so, Snowden could remain incarcerated during the long court battle. During the litigation, Snowden would have a platform to make his case against U.S. surveillance. Indeed, Tibbo's strategy involved building massive public support for Snowden's cause. Once the U.S.

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government filed charges, though, Snowden could further expect it would invalidate his passport to go anywhere except for his return to the United States, and Interpol would issue a red alert to all its members. Because his case involved national security secrets, he had also to consider that the Hong Kong court could deny him any use of the Internet until his extradition case was settled. If Snowden wanted to leave Hong Kong, he had to act swiftly.

Tibbo, although evasive on the point when I interviewed him, might not have known about the escape Harrison was planning. He did not know that Snowden's other alternatives were not good. He had no money, and his credit card had been blocked. He had no visas to go to any other country, and Interpol would issue its own border alert as soon as the United States filed its charges. At that point, Hong Kong airport authorities would be officially notified and could prevent him from leaving the city. Even if he somehow got out, he would be an international fugitive. Tibbo counseled Snowden to seek redress in the Hong Kong courts.

Snowden, though, had no intention of allowing himself to be arrested. Despite what he had told Lana Lam only one week earlier, at least for publication, about his determination to seek justice in the Hong Kong courts, he had not planned to use Hong Kong as anything more than a temporary stopover on his escape route. Two months later and safely in Moscow, he made this point clear in a lengthy interview with Alan Rusbridger, the editor of *The Guardian*. He told him that it had never been part of his plan to use Hong Kong to escape the legal consequences of his act. "The purpose of my mission [to Hong Kong] was to get the information to journalists." If so, he had merely been using Tibbo, Man, and Ho to provide him with temporary cover while, following the instructions of Assange, Harrison laid down the smoke screen for his escape to Moscow.

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CHAPTER 12

Fugitive

If I end up in chains in Guantánamo, I can live with that.

—EDWARD SNOWDEN, Hong Kong, 2013

DURING HIS INTERVIEWS with Poitras and Greenwald in June, Snowden said stoically, "If I am arrested, I am arrested." His fatalistic words notwithstanding, Snowden had made plans to seek a haven from American justice well before his meeting them. As early as May 24, 2013, he had suggested to Barton Gellman that he was making arrangements with a foreign government. To that end, he asked Gellman to insert an encrypted key in the Internet version of the NSA exposé that Snowden proposed he write for *The Washington Post*. He told him the purpose of the encrypted key was to assist him with a foreign government. Snowden did not identify any foreign government to Gellman, but Gellman said he knew that Snowden wanted to "seek asylum" overseas. He decided against assisting him. "I can't help him evade U.S. jurisdiction—I don't want to, and I can't," he later explained. "It's not my job. It's not the relationship. I am a journalist."

Although Gellman suspected that Iceland might be the foreign government in question, Snowden, as it turned out, had never con-

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tacted the consulate of Iceland while he was in Hong Kong. "We had heard nothing from Snowden," an Iceland government official told *Vanity Fair*.

Snowden also did not contact the government of Ecuador while in Hong Kong. In mid-June, while Harrison was laying down false tracks for Snowden in Hong Kong, Assange in London asked Fidel Narváez, who was a friend of his and the legal attaché in the London embassy of Ecuador, to issue a document that Snowden could use. But this document was not delivered to Snowden in Hong Kong (and it was later invalidated by Ecuador). There are no direct flights to Ecuador from Hong Kong. If Snowden had really planned to go to Ecuador without stopping in a country allied with the United States, he would have had to fly to Cuba. He would need a Cuban travel document to do that, which he could have obtained from the Cuban consulate anytime during his month in Hong Kong. But he did not obtain it. Nor did he acquire a visa to go to any other country in Latin America or elsewhere while in Hong Kong. So where was he headed?

Whatever foreign government with which Snowden was dealing earlier presumably did not have an extradition treaty with the United States. Almost all other countries that did not have active extradition treaties with the United States could not be directly reached by air. With three notable exceptions, the flights to most of these countries had stopovers in a country that was an ally of the United States, where officials could seize Snowden. The three exceptions were China, North Korea (via China), and Russia.

The only one of these three countries that Snowden is known to have had contact with directly during his thirty-three-day stay in Hong Kong was Russia. The Russian president, Vladimir Putin, revealed these contacts in a televised press briefing in September 2013. Putin did not provide the date of these contacts, but he provided an intriguing clue. Snowden was identified to him, according to Putin, not by name but merely as an "agent of special services." If his name was not given to Putin, it might have been because Snowden's first meeting with the Russians had taken place before Snowden became a household name on June 9, 2013.

For his part, Snowden was evasive when discussing his con-

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tacts with Russia while still in Hong Kong. When Lana Lam asked Snowden on June 12, 2013, whether he had already requested asylum from the Russian government, he deferred, saying, "My only comment is that I am glad there are governments that refuse to be intimidated by great power." The Russian government was clearly not intimidated by the threats of reprisals by the United States, as the Obama administration would learn after Snowden's arrival in Russia on June 23. Snowden could only have known that with certainty on June 12 if he had been in contact with Russian officials prior to his interview with Lam.

If Putin's own description of Snowden's interactions with the Russians in Hong Kong is to be believed, the decision to facilitate Snowden's escape to Russia had been kicked all the way up the Russian chain of command to Putin. Presumably, this decision-making process began earlier than June 21, when Snowden was said to have gone to the consulate. But how much earlier? Because Snowden had arrived in Hong Kong on May 20, his contacts with Russian officials could have occurred in May. Such a contact with the Russians would fit with Snowden's telling Gellman on May 24 that he needed his help in dealing with the diplomatic mission of a country that Snowden did not identify.

In any case, Putin said an American "agent of the special services" had contacted Russian diplomats because he wanted assistance. The agent, Snowden, of course, needed assistance to escape from Hong Kong. The decision to accept him in Russia, given the international ramifications, would have to be made at a much higher level than the Russian mission in Hong Kong.

Nine days before Snowden boarded Aeroflot Flight SU213 to Moscow on June 23, the United States had filed a criminal complaint against him. It had also officially alerted Interpol when it unsealed the complaint on June 21. It had invalidated his U.S. passport except to return to America (although he still had it in his possession at the Hong Kong airport). Because by this time he was the most famous visitor in Hong Kong, his passage through passport control on June 23 might have reflected the acquiescence of the Hong Kong authorities to the reported request of China to be rid of Snowden by that date.

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According to one Aeroflot official, ordinarily all international passengers are required to have a valid passport as well as a visa to the country of final destination. Snowden had neither a valid passport nor a visa. Still Snowden was able to board the flight to Moscow. Aeroflot, a state-controlled airline, presumably responds to the Russian government on matters where Putin has given his approval.

Snowden first met Harrison in person on June 23. She was waiting for him in the car that Jonathan Man had arranged to take him to the airport that morning. Snowden was dressed in a gray shirt and khaki slacks. Harrison was dressed in jeans and flip-flops. She said she had chosen this dress style so that they would blend in at the airport with vacationing tourists. She had financed the trip, and she was apparently now calling the shots. Harrison's concern was that they might be arrested at the airport, so Man accompanied them through passport control. He was able to do this because he bought a ticket on the cheapest available international flight. Harrison had given Man a phone number to call if they got arrested. When she and Snowden boarded the flight at 12:45 p.m., Harrison effectively became Snowden's second "carer"—a job that would require her presence in Moscow for the next four months.

Snowden had pretty much remained silent until the plane took off. The first full proper sentence she heard from him as they headed for Moscow, as she recalled, was "I didn't expect that WikiLeaks was going to send a ninja to get me out."

Meanwhile, Assange continued creating "distractions," as he put it. On June 24, a booking was made for Snowden on an Aeroflot flight to Cuba, and this information was relayed to the foreign press organization in Moscow, resulting in over a dozen reporters flying to Havana on the flight. Snowden, of course, never showed up for it. "In some of our communications, we deliberately spoke about that [flight] on open lines to lawyers in the United States," Assange said. One subsequent piece of his misinformation was that Snowden was flying to Bolivia on the private plane of the Bolivian president, Evo Morales (who was then in Moscow for a meeting). That misinformation had the desired effect. U.S. allies in Europe, including France, Spain, and Portugal, refused to allow that plane to fly through its airspace, forcing the plane to land in Austria. This misinformation

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resulted in an international incident but did not change the fact that Snowden was still in the custody of Russian authorities.

Snowden came to realize that those assisting him, including Assange and Harrison, were taking serious risks. "Anyone in a three-mile radius [of me] is going to get hammered," he later said in 2015 to a reporter from *Vogue*. (After finally leaving Snowden in Moscow on November 3, 2013, Harrison moved to Berlin, where she set up an organization to provide, as she termed it, "an underground railroad" for other fugitives who had made available documents exposing government secrets.)

Snowden was sequestered in the transit zone of the Moscow airport for thirty-seven days. A Russian intermediary provided him with a Russian classic to read while awaiting asylum. It was Fyodor Dostoyevsky's *Crime and Punishment*, whose protagonist, Rodion Romanovich Raskolnikov, is a dissenter who believes breaking the law is morally justified by the unfair abuses of the political system.

Snowden received official sanctuary in Russia on August 1, 2013. His public statements in Hong Kong that he was willing to go to prison so that others could live freely in a democratic society were, as it turned out, mere rhetoric. Instead of risking prison, he had successfully escaped to a country in which he would be treated as a hero for defying the U.S. government. He had not sacrificed himself; he had transformed himself. He had risen from being a lowly technician in Hawaii whose talents went largely unrecognized to the status of an international media star in Moscow. In his new role, he could make Internet appearances via Skype to prestigious gatherings, such as the TED conference, where he would be roundly applauded as an Internet hero, as well as be paid a $20,000 fee for just his electronic participation. He would be beamed into dozens of ACLU meetings where he was celebrated as a defender of American liberty. He would describe to sympathetic audiences in Germany, Norway, and France the unfairness of the American legal system, asserting that it was denying him a "fair trial." He would now make front-page news by granting interviews to *The New York Times*, *The Washington Post*, *The Nation*, and other publications. He would join Poitras and Greenwald on the board of directors of the Freedom of the Press Foundation. He would be the subject of an Oscar-winning documen-

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tary, the hero of the 2016 Hollywood movie *Snowden* (directed by Oliver Stone), and a consultant to the 2015 season of the television series *Homeland*. He would be nominated for the Nobel Peace Prize in 2014. He would attract over one million followers to his tweets in 2015. "For me, in terms of personal satisfaction, the mission's already accomplished. I already won," he informed the *Post* in his first live interview in Moscow in December 2013. It was a mission that involved a very high-stakes enterprise: taking not only domestic surveillance documents but America's military and foreign intelligence secrets abroad.

Whistle-blowers do not ordinarily steal military secrets. Nor do they flee to the territory of America's principal adversaries. A fugitive, especially one lacking a Russian visa, does not wind up in Moscow by pure accident. It's hard to imagine that a Russian president with the KGB background of Putin would give his personal sanction for a high-profile exfiltration from Hong Kong without weighing the gain that might proceed from it. Whatever else may be said of Putin, his actions show him to be a calculating opportunist. Part of his calculus would be that the defector from American intelligence had taken possession of a great number of potentially valuable documents from the inner sanctum of the NSA and, aside from these documents, claimed to hold secrets of great importance in his head. To be sure, the practical value of this stolen archive would require a lengthy evaluation by Russia's other intelligence services. But it is hard to believe that a defector who put himself in the hands of the FSB, the successor to the KGB, and other Russian intelligence services wouldn't be expected to cooperate with them. Even if such a defector did not carry these files with him to Moscow, intelligence services have the means to recover digital files, even after they are erased from a computer or if they are sent to the cloud. Moreover, once secret documents are taken, they are compromised. Yet for much of the American public, Snowden remained a hero.

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PART TWO

THE INTELLIGENCE CRISIS

What you've seen so far [in the Snowden theft of documents] is just the tip of the iceberg.

—RETIRED ADMIRAL MICHAEL MCCONNELL,
vice-chairman, Booz Allen Hamilton, 2013

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CHAPTER 13

The Great Divide

> That moral decision to tell the public about spying that affects all of us has been costly, but it was the right thing to do and I have no regrets.
>
> —EDWARD SNOWDEN, Moscow, 2013

IN THE TWELVE-MINUTE VIDEO on *The Guardian*'s website, Snowden correctly identified himself as an infrastructure analyst at a regional base of the National Security Agency in Oahu, Hawaii. He also revealed in a calm, unemotional voice that he had been the source for the stories in both *The Guardian* and *The Washington Post*. He said that he had supplied the secret, classified documents that the two newspapers had used in their scoops about domestic surveillance being conducted by the NSA, America's enormous electronic surveillance agency. These sensational revelations had been, literally, the talk of the world, and now, in another major news event, the boyish-looking Snowden took responsibility for what would turn out to be the largest theft of top secret documents in the history of U.S. intelligence.

In the video, it will be recalled, Glenn Greenwald, who had broken the NSA story in *The Guardian*, questioned Snowden. What was his motive? Greenwald asked. Why did he do it? Snowden replied that he had become horrified by the NSA's secret operations,

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which, to him, represented a kind of distillation of the excesses of the American national security state, and he had therefore made it his mission to blow the whistle. He believed that the public needed to be informed of the existence of a vast, secret surveillance operation directed against tens of millions of Americans that flagrantly violated U.S. laws and was a grave threat to their privacy and their freedoms. Within hours of the release of that video on the *Guardian* website, Snowden was known throughout the world as a courageous whistle-blower.

In Laura Poitras's remarks in accepting her Academy Award for *Citizenfour* on February 22, 2015, she said that Snowden acted as a whistle-blower not only to "expose a threat to our privacy but to our democracy itself." She received a standing ovation.

A large part of the public who viewed this powerful film, including many of my colleagues in journalism whose writing I greatly respect, came to accept Snowden's whistle-blowing narrative. The film so convincingly depicted Snowden as an altruistic young man willing to risk his own personal freedom and face years of imprisonment for the sake of others that editorial writers asked that he be given clemency from prosecution.

"Sitting on his unmade bed—white sheets and covers, white headboard, white bathrobe, white skin—Snowden seems like a figure in some obscure ritual, being readied for sacrifice," George Packer wrote about the film in a widely read article in *The New Yorker*.

This powerful narrative, as lucidly articulated by Poitras, Greenwald, and other Snowden supporters, described the NSA activities exposed by Snowden as part of a vast criminal conspiracy involving, among others, President Obama, James Clapper, the director of national intelligence, and both Democratic and Republican members of the congressional oversight committees. It further derided any claims that there was evidence that Snowden's theft of NSA secrets went beyond simply exposing government misdeeds. For example, this narrative asserted, as if it were established fact, that U.S. government officials had deliberately "trapped" Snowden in Russia. According to Snowden, the purpose of this government ploy was to "demonize" him. "There was no question that I was going to be subject to a demonization campaign," Snowden said in an interview

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from Moscow, "They [Greenwald and Poitras] actually recorded me on camera saying this before I revealed my identity." The purpose of this demonization was to divert attention from the government's own crimes.

To be sure, it is not unprecedented for the government to release defamatory information about individuals who have embarrassed U.S. intelligence by defecting. When two NSA analysts, William Martin and Bernon Mitchell, defected to Russia in the 1960s and accused the NSA of violating international law after arriving in Moscow, U.S. government officials responded by putting out the story that they were homosexual lovers, which was both untrue and irrelevant to the intelligence secrets that they had compromised. It is certainly possible that the government put out information to intentionally defame Snowden. Secretary of State John Kerry characterized him as a coward who should "man up" by returning to the United States.

While one can discount such characterizations against Snowden by government officials as demonization, as I do, one cannot as easily dismiss the independent evidence that undermines Snowden's assertion that his sole motive was blowing the whistle on illicit surveillance in the United States. For example, in 2014, the Lawfare Institute, a nonprofit organization that publishes a blog on national security concerns, in cooperation with the Brookings Institution, did an independent analysis of all the published documents that Snowden provided to the media. It concluded that with some notable exceptions, such as the two documents initially published by *The Guardian* and the *Post*, the now-famous FISA Verizon warrant and the PRISM slides, few of the other documents that Snowden had given Poitras and Greenwald for publication had anything to do with either domestic surveillance or infringements on the privacy of Americans. By the Lawfare Institute's count, 32 of Snowden's leaks to these journalists concerned the NSA's overseas sources and methods, 9 identified overseas locations of the NSA's intelligence bases, 25 revealed the identities of foreign officials of interest to U.S. intelligence agencies, 14 disclosed information about Internet companies legally cooperating with the NSA, and 19 concerned technology products that the NSA had been using or researching.

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Some secret methods that Snowden made public compromised the NSA's state-of-the-art technology of which adversaries had been unaware. For example, the NSA had devised an ingenious technology in 2008 for tapping into computers abroad that had been "air-gapped," or intentionally isolated from any network to protect highly sensitive information, such as missile telemetry, nuclear bomb development, and cyber-warfare capabilities. The secret method that the NSA used involved surreptitiously implanting speck-sized circuit boards into air-gapped computers. These devices then covertly transmitted the data back in bursts of radio waves. Once Snowden exposed this technology, and the radio frequency transmission it used, America lost this intelligence capability.

In addition, a considerable number of the published documents did not even belong to the NSA but were copies of reports sent to the NSA by its allies, including the British, Australian, Canadian, French, Norwegian, and Israeli intelligence services. Snowden provided journalists with secret documents from the British cyber service GCHQ, describing its plans to obtain a legal warrant to penetrate the Russian computer security firm Kaspersky to expand its "computer network exploitation capability." What the GCHQ was revealing in this secret document was its own capabilities to monitor a Russian target of interest to British intelligence. While the release of these foreign documents might have embarrassed allies of the United States, they exposed no violations of U.S. law by the NSA. It was a legitimate part of the NSA's job to share information with its allies. This raises the question: What constitutes whistle-blowing?

To the general public no doubt, a whistle-blower is simply a person who exposes government misdeeds from inside that government. But in the eyes of the law, someone who discloses classified information to an unauthorized person, even as an act of personal conscience, is not exempt from the punitive consequences of this act. Indeed, if a person deliberately reveals secret U.S. operations, especially ones that compromise the sources and methods of U.S. intelligence services, he or she may run afoul of American espionage laws.

In the past, when government employees have disclosed highly classified information to journalists to redress perceived government misconduct, they were almost always prosecuted. During

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Barack Obama's presidency, there were six government employees who, as a matter of personal conscience, shared classified information they obtained from the FBI, the CIA, the State Department, and the U.S. Army with journalists. They were all convicted: Shamai Leibowitz in 2010, Chelsea Manning in 2013, John Kiriakou in 2013, Donald Sachtleben in 2013, Stephen Kim in 2014, and Jeffrey Sterling in 2014. Like Snowden, they claimed to be whistle-blowers informing the public of government abuses. But because they disclosed classified documents, they were dealt with as lawbreakers. All six were indicted, tried, convicted, and sentenced to prison. Sterling, a CIA officer who allegedly turned over a document to James Risen, a Pulitzer Prize–winning reporter for the *Times*, was sentenced to forty-two months. The most severe sentence was meted out to Private Manning, whom an army court sentenced to thirty-five years in a military stockade, as noted earlier.

The prison time that others received did not go unnoticed by Snowden. He had been following the Manning case since 2012. In fact, he posted about it shortly before he began stealing far more damaging documents than Manning had. He would therefore likely have been aware that by revealing state secrets he had sworn to protect, he would be risking imprisonment unless, unlike Manning, he fled the country. His motives, no matter how noble they might be, would not spare him—any more than they spared the other six—from determined federal prosecution.

The view of those on the Snowden side of the divide is grounded not in legal definitions but in a broader notion of morality. Snowden's supporters do not accept that the law should be applied to Snowden in this fashion. A writer for *The New Yorker* termed it "an act of civil disobedience." His supporters argue that Snowden had a moral imperative to act, even if it meant breaking the law. They fully accept his view that he had a higher duty to protect citizens of all countries in the world from, as he put it, "secret pervasive surveillance." That higher duty transcended any narrower legal definitions of lawbreaking. Ben Wizner, a lawyer from the American Civil Liberties Union who has represented Snowden since October 2013, argues that Snowden's taking of classified documents was an "act of conscience" that overrode any legal constraints because it "revitalized

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democratic oversight in the U.S." and, without question, caused a much-needed debate on government surveillance.

In this ends-justify-the-means view, any person with access to government secrets can authorize him- or herself to reveal those secrets to the world if she or he believes it serves the public good. Further, because doing so would be an "act of conscience," he or she should be immune from legal prosecution.

For Snowden's supporters, his "act of conscience" justifies his claim to being a whistle-blower, even though the preponderance of the secrets he disclosed had to do with the NSA's authorized activity of using its multibillion-dollar global arrays of sensors to intercept data in foreign countries. For example, one of the thirty allied intelligence services that the NSA cooperated with in 2013 was the cyber service of Israel. Because Snowden deemed this cooperation to infringe on privacy rights, he revealed documents bearing on the NSA's data exchange with Israel. He subsequently told James Bamford, in an interview in *Wired* magazine in August 2014, that supplying such intelligence to Israel was "one of the biggest abuses we've seen." Snowden therefore believed he was justified in revealing information concerning Arab communications in Gaza, the West Bank, and Lebanon that the NSA had provided the Israeli cyber service, known as Unit 8200. In doing so, he compromised an Israeli source. But how could this act qualify as whistle-blowing? Providing Israel with such data was not some NSA rogue operation. It was part of a policy that had been approved by every American president—and every Congress—since 1948. Snowden had every right to personally disagree with this established U.S. policy of aiding Israel with intelligence, but it is another matter to release secret documents to support his view. If the concept of whistle-blowing were expanded to cover intelligence workers who steal secrets because they disagree with their government's foreign policy, it would also have to include many notorious spies, such as Kim Philby.

Snowden's concept of whistle-blowing also applied to the NSA's spying on adversary nations. "We've crossed lines," Snowden said in regard to China. "We're hacking universities and hospitals and wholly civilian infrastructure." The NSA's operations against China were such "a real concern" for Snowden that he targeted lists of

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the NSA's penetrations in China. Putin echoed this expansion of the whistle-blowing concept to adversaries. He complimented Snowden for having "uncovered illegal acts by the United States around the globe." Putin's defense of Snowden not only implied a global concept of whistle-blowing that justifies breaking U.S. laws but also pointed to America's double standard in publicly complaining about Russian and Chinese cyber espionage.

Snowden's whistle-blower interpretation gained immense public resonance. Even after President Obama and leaders of both houses of Congress roundly denounced Snowden for betraying American secrets, the majority of the public, according to a Quinnipiac poll taken in July 2013, still considered "Snowden a whistleblower who did a service revealing government domestic spying programs." Moreover, Snowden's revelations helped stoke a growing distrust of the American government itself. According to polls conducted by the Pew Research Center after Snowden came forward, just 19 percent of the public said that "they can trust the government always or most of the time." The support for Snowden was not limited to America. On October 29, 2015, a majority of the European Parliament voted to award Snowden the official status of a "human rights defender."

The former congressman Ron Paul went even further. He organized a clemency petition in February 2014 for Snowden, stating, "Thanks to one man's courageous actions, Americans know about the truly egregious ways their government is spying on them," and his son Senator Rand Paul, who was a candidate for the Republican presidential nomination in 2016, called for a pardon for Snowden.

Senator Paul's concern fitted with the growing public apprehension over increasing intrusion on privacy. Snowden was correct, in my opinion, in describing the threat of a surveillance state and the loss of privacy as a legitimate public concern. "We actually buy cell phones that are the equivalent of a network microphone that we carry around in our pockets voluntarily," he pointed out from Moscow.

The very technology involved in the electronic equipment we all use in the twenty-first century has made mass surveillance part of our daily life. There can be little doubt that our privacy has been

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largely eroded, if not entirely negated, by the widespread use of cell phones, credit cards, social media, and the search engines of the Internet. When we use smart phones, our location is relayed to our telephone service provider every three seconds. The phone companies collect and archive our phone usage "metadata," which includes whom we called and how long we spoke. When we use Google to search for anyone or anything on the Internet, that activity is captured by Google, a company whose profits mainly come from making available to advertisers the results of its surveillance and collection of its users' searches. When we use Gmail, Google's e-mail service, used by nearly one billion senders and recipients, we agree to allow Google to read the actual contents of our correspondence to find keywords of interest to advertisers.

When we use a credit card, the credit card company also retains data about what we buy and where we go. When we travel in automobiles equipped with GPS, every turn and stop is tracked and recorded. And when we are in public places with CCTV (closed-circuit television) cameras, our image is recorded and archived. When we use Facebook, Twitter, and other so-called social media, as over two billion people do today, we allow these companies to collect, retain, and exploit their surveillance of our movements, associations with other people, and stated preferences. When we use Amazon and other online stores, we allow them to track and archive a great deal of our commercial activity. For Internet companies such as Facebook, Twitter, and Yahoo!, like Google, collecting private data on hundreds of millions of their members provides them with vast searchable databases that are easily marketable. The exploitation of these databases is a fundamental aspect of their business plans. Without such surveillance of their users, social media companies would not be able to turn a profit. Indeed, they may be more aptly called surveillance media than social media. For those of us who use them to post pictures and communicate, any notion of personal privacy is largely illusory.

To be sure, there is a distinction to be made between the surveillance of our activities to which we voluntarily agree in exchange for the benefits and conveniences that we gain from social media, search engines, and other Internet companies and the surveillance

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done by the government, which we do not voluntarily invite—or want. We willingly waive our privacy for corporations but not for governments.

What the public might not fully realize, however, is that the government can access all the personal information in the databases of private companies if it issues a subpoena or search warrant, which it does often. As Snowden himself pointed out, "If Facebook is going to hand over all of your messages, all of your wall posts, all of your private photos, all of your private details from their server, the government has no need to intercept all of the communications that constitute those private records." These Internet companies, even if they are only interested in exploiting the data for their own profit, cannot refuse to share this information with the NSA, the FBI, and other government agencies if they have a subpoena or search warrant.

That reality became evident to me in my investigation of the rape charges brought (and subsequently dropped) against Dominique Strauss-Kahn, the managing director of the International Monetary Fund, in 2011. Immediately after his arrest, Cyrus Vance Jr., the district attorney of New York County, issued a subpoena for Strauss-Kahn's cell phone records, credit card records, hotel room electronic key records, e-mails, room service bills, and the CCTV videos of his activities (some of which I published in my article about the case in *The New York Review of Books*). Nor is this access uncommon. According to Vance in 2016, his office issues thousands of such subpoenas every year. Even though Apple made headlines by refusing to comply with a court order to help the FBI unlock the iPhone of a dead mass murderer in 2016, it had complied with many previous subpoenas. In fact, in 2015 alone, it quietly provided the backed-up data of some seventy-one hundred iPhone customers to government authorities.

If anyone doubts the pervasiveness of government data collection, consider a little-known government agency called the Consumer Financial Protection Bureau. Created in 2010 by Congress, it mines data on a monthly basis from some 600 million personal credit card accounts, targeting about 95 percent of the credit card users in the United States. In addition, through eleven other data-mining programs, it gathers data on everything from private home mortgages

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and student loans to credit scores and overdrafts in personal bank accounts. This ubiquitous surveillance of virtually every non-cash transaction came about because of advances in computer technology that made it economically feasible to mine such data.

Snowden's concern about NSA domestic surveillance is certainly not misplaced. Ever since the 9/11 attacks, the NSA has increasingly played a role in this surveillance state, not by its own choice, but because Congress mandated it. In 2001, it empowered the NSA to obtain and archive data on American citizens. Accordingly, the NSA obtained the billing records of customers from phone and Internet companies and archived these records. The bulk collection of these billing records was intended to build a searchable database for the government that could be used to trace the history of the telephone and Internet activities in the United States of FBI-designated foreign terrorists and spies abroad. The government's rationale for keeping these anti-terrorist programs secret from the public was that it did not want the foreign suspects to realize their communications in America were being monitored.

The public only learned that the phone company was routinely turning over its billing records on June 6, 2013, when Snowden disclosed it to *The Guardian* and *The Washington Post*. The documents he provided the journalists showed that the NSA had been obtaining phone records collected by Verizon every three months. While this revelation might have shocked the American public, the NSA had not acted on its own. It had acted under a warrant issued by a secret court established by Congress in 1978 as part of the Foreign Intelligence Surveillance Act for each request for records. Congress empowered the FISA court, whose judges are appointed by the president, to hear cases and authorize search warrants in secret in cases involving national security.

As its name implies, the FISA court was meant to deal with matters bearing on foreign intelligence activities in the United States. That restriction changed after the terrorist attacks of September 11, 2001. A month after the attacks, Congress expanded the purview of the FISA court by passing the USA Patriot Act (an acronym that stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). Part of the

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act, Section 215, euphemistically referred to as the "library records" provision, permitted the FISA court to issue warrants authorizing searches of records by the NSA and other federal agencies to investigate international terrorism or clandestine intelligence activities. Through these FISA authorizations, the NSA could obtain "tangible things" such as "books, records, papers, documents, and other items." Under the interpretation of this section of the law by both the Bush and the Obama administrations, the FISA court was enabled by Congress to issue warrants to telephone companies demanding that they turn over to the NSA the bulk billing records of all calls made in America. The FISA court need only deem these records to be "relevant" to the FBI's investigations of terrorists and spies.

Essentially, the NSA, to create a searchable database of telephone billing records, used the FISA court's controversial interpretation of the word "relevant" in Section 215. Such a "haystack," as the NSA called the national collection of billing records, could allow the FBI to instantly find missing "needles," as this tracking was supposed to work, even if the connections were made years earlier. For example, if the FBI had a lead on a foreign suspect, it could search the database for any telephone calls made by the foreign suspect to telephone numbers in America and then who those people called. The FBI always had this power, if it obtained a warrant, but it did not previously have the "haystack" of records in a single database. General Keith Alexander, who headed the NSA between 2005 and 2014, believed that maintaining such a haystack database made sense. "His approach was, 'Let's collect the whole haystack,'" according to one former senior U.S. intelligence official quoted by *The Washington Post*.

According to critics of NSA domestic surveillance, including the ACLU, the results provided by this vast database did not justify its immense potential for abuse. In early May 2015, just three weeks before this part of the Patriot Act was set to expire, a three-judge panel of the Second U.S. Circuit Court of Appeals in New York agreed with the ACLU position, overturning a lower court decision that said it was legal. The panel found that the word "relevant" in the act was not intended by Congress to justify the acquisition and storing of the bulk records of telephone companies for possible

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future use. Soon afterward, Congress replaced the Patriot Act with the USA Freedom Act, which effectively transferred bulk storage of billing records from the NSA to the phone companies themselves. Despite the change in venue, the records of individuals were still not completely private. Under the new law, the FBI via a FISA warrant could still search the phone company's databases.

The core of Snowden's charge in the media was that the FISA court overreached its authority by issuing sweeping warrants that allowed the NSA to obtain data collected by private phone and Internet companies. In the initial story published in *The Guardian* on June 6, Snowden disclosed one such FISA warrant to support his charge. It was issued by Judge Roger Vinson of the FISA court on April 25, 2013, and ordered Verizon to turn over to the FBI all its billing records of landline customers for the next ninety days. The FBI presented this FISA authorization to the NSA, which acts as a service organization for the FBI and the CIA in collecting communications data. The NSA, with the FISA warrant in hand, then obtained the Verizon billing records.

Snowden also provided the *Post* and *The Guardian* with another secret document: a PowerPoint presentation on twenty slides, sent by the NSA to other intelligence agencies. It described a program it was using for monitoring the Internet. Its code name was the aforementioned PRISM. It was authorized under Section 702 of the Foreign Intelligence Surveillance Act and was designed to collect messages sent over the Internet from foreigners. Such information was in fact obtained with the knowledge of the service providers. It also required a written directive from both the attorney general and the director of national intelligence and a review by the Department of Justice every three months for each and every case. After obtaining this data, the NSA ran programs, as required by law, to filter out all domestic Internet communications, but, as Snowden pointed out, domestic information was also accidently picked up. Whenever the Justice Department actually opened an investigation against Americans in contact with foreign suspects, as it did in 170 cases in 2013, it could obtain warrants from the FISA court to search these Americans' Internet activities.

These two documents raised legitimate questions for many

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Americans, including members of Congress, about the proper role of the FISA court, including whether it should conduct its business in secret. If Snowden had released only these two documents that related to unwarranted domestic surveillance and other possible violations of the law by the NSA, it would be difficult for any reasonable person not to see his actions as a potentially valuable public service. Indeed, additional safeguards were necessary in an age in which new technologies enabled mass surveillance of the public. As the three-judge panel of the Second U.S. Circuit Court of Appeals would later find, Congress had not intended Section 215 of the Patriot Act to be used to justify the bulk collection of American records. If he had limited his illegal downloading to the few documents about bulk collection, it would be more difficult to argue that he was not a whistleblower in the spirit if not the letter of the law, and even a hero in the struggle to preserve our civil liberties. But in fact, Snowden took a great many other secret documents that did not bear on the civil liberties of Americans. He claimed he was acting on behalf of citizens in foreign countries by exposing the NSA's and the CIA's spying operations abroad, but that same claim could also be made by any espionage agent stealing U.S. secrets to benefit the people of another country.

As a result, the Snowden case produced a great divide in the American appreciation of him. On one hand, he has been almost universally lauded and lionized by what might be seen as the mainstream media, by numerous academics, and even, as we have seen, by members of Congress. The journalists who assisted him, Greenwald, Poitras, and Gellman, have been celebrated for the roles they played in bringing Snowden's revelations to the public and received the 2014 Polk Award for national security reporting. The *Post* and *The Guardian*, the newspapers that initially published the purloined documents, won the 2014 Pulitzer Prize for public service.

In other circles, the reaction has been very different. American and British intelligence officials, senior members of the Obama administration, and members of the oversight committees of Congress do not view Snowden as a hero or even an authentic whistleblower. Instead, they see him as a betrayer of secrets who willfully brought damage to the United States and benefits to its adversar-

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ies. The holders of this darker view of Snowden base it on classified reports of the full extent of the theft of classified data. Those officials believe that only a handful of the tens of thousands of documents he stole involved domestic surveillance and that those few documents served as a cover for a much larger theft.

Admiral Michael Rogers, who replaced General Alexander as head of the NSA in March 2014, said at a public forum at Princeton University, "Edward Snowden is not the 'whistleblower' some have labeled him to be." He further explained to Congress, "Snowden stole from the United States government a large amount of classified information, a small portion of which is germane to his apparent central argument regarding NSA and privacy issues."

General Martin Dempsey, the chairman of the Joint Chiefs of Staff, went even further. In testifying before the House Armed Services Committee on March 6, 2014, after estimating that the Snowden breach could cost the military "billions" to repair, he added, "The vast majority of the electronic documents that Snowden exfiltrated from our highest levels of security had nothing to do with exposing government oversight of domestic activities." Dempsey based this assessment on a then still-secret Defense Intelligence Agency report on the breach. The classified DIA report showed that Snowden took "over 900,000" military files from the Department of Defense in addition to the NSA files he had taken. The Defense Department loss in terms of the number of files stolen actually exceeded the loss—in sheer numbers—of NSA documents. Lieutenant General Mike Flynn, the DIA director who directed the study, testified to the Senate Select Committee on Intelligence that the breach "has caused grave damage to our national security."

To be sure, this was not the first time that the cryptological branches of the military had been compromised. The spy ring of John Walker had provided thousands of the navy's reports on breaking Russian ciphers to the KGB during the Cold War. But the Snowden breach exposing military sources was an order of magnitude greater than any past breach.

The CIA's assessment was no less grim. Morell, the deputy director of the CIA in 2013, wrote that Snowden's action went beyond taking the handful of documents, such as the FISA order, "that addressed

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the privacy issue." Instead, as Morell put it, "he backed up a virtual tractor trailer and emptied a warehouse full of documents—the vast majority of which he could not possibly have read and few of which he would likely understand—[and] he delivered the documents to a variety of news organizations and God knows who else." As a result, Morell concluded, "Snowden's disclosures will go down in history as the greatest compromise of classified information ever." General Alexander, the head of the NSA at the time of the theft, asserted that Snowden did "the greatest damage to our combined nations' intelligence systems that we have ever suffered." Obviously, military intelligence officers would not be on Snowden's side of the divide (and the Snowden breach ended the careers of many of them, including Alexander). But political leaders in both parties could also be found on the anti-Snowden side of the divide. "I don't look at this as being a whistle-blower," the Democratic senator Dianne Feinstein of California, the head of the Senate Intelligence Committee, said after she was briefed on Snowden's theft. "I think it's an act of treason." The Republican representative Mike Rogers of Michigan, her counterpart on the House Intelligence Committee, said on the NBC program *Meet the Press* that Snowden might be working for a foreign intelligence service. And a former prominent member of President Obama's cabinet went even further, suggesting to me off the record in March 2016 that there are only three possible explanations for the Snowden heist: (1) it was a Russian espionage operation; (2) it was a Chinese espionage operation; (3) it was a joint Sino-Russian operation. These severe accusations generated much heat but little light. They were not accompanied by any evidence showing that Snowden had acted in concert with any foreign power in stealing the files or, for that matter, that he was not acting out of his own personal convictions, no matter how misguided they might have been.

On this side of the divide, Snowden's critics regard the whistle-blowing narrative as at best incomplete and at worst fodder for the naive. They point out that the FISA document that gave him credentials as a whistle-blower was only issued in the last week of April 2013, which was four months *after* he first contacted Greenwald and almost nine months after he began illegally copying secret documents. They further believe that the evidence contradicts Snowden's

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claims that he stole only documents that exposed NSA transgressions into domestic surveillance, that he turned over all the stolen documents to journalists, and that he was forced to remain in Moscow by the actions of the U.S. government. They also find that the unprecedented size and complexity of the penetration of NSA files, compromising hundreds of thousands of secret documents pertaining to U.S. operations against adversary nations, according to the NSA's and the Pentagon's estimates, is not easily explained given Snowden's avowed purpose for his theft.

The deep split in how Snowden is perceived brings to mind the famous drawing of a duck-rabbit cartoon first published in 1900 in the book *Fact and Fable in Psychology*. The figure is perceived either as a duck or as a rabbit, but it cannot be seen as both simultaneously. Whether a person sees a rabbit or a duck in this test may depend on the information available to that person. Similarly, what may account for the sharp divide between the pro-Snowden and the anti-Snowden camps is a disparity in their available information.

The pro-Snowden camp's view is largely informed by Snowden himself. Snowden supporters prefer to believe his words rather than his actions. In the anti-Snowden camp are administration officials and the members of the House and Senate intelligence oversight committees who have been at least partially briefed on the continuing investigations of the Snowden affair. The members of the Senate Intelligence Committee, for example, were told by David Leatherwood, the director of operations for the Defense Intelligence Agency, that the military files compromised by Snowden included documents bearing on military plans and weapons systems; foreign governments' intelligence activities (including special activities), intelligence sources, or methods of cryptology; scientific and technological matters relating to national security; and vulnerable systems, installations, infrastructures, projects, plans, and protection services related to national security and the development, production, or use of weapons of mass destruction. The members of the House and Senate Intelligence Committees, but not the public, have also been privy to an NSA investigation that established the chronology of Snowden's actions, including changing jobs, copying more than one

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million classified documents at the Signals Intelligence Center in Hawaii, and flying to Russia.

Additional information does not necessarily change the minds of people who already have a firm view. In the field of social psychology, the testing of "confirmation theory" consistently shows that people tend to more readily reject new information that contradicts their pre-existing beliefs. For example, when Lee Harvey Oswald was arrested in the Texas Theater on November 22, 1963, he said famously, "I haven't shot anybody." Ten months later, the Warren Commission presented evidence, including ballistic tests, that it claimed showed that Oswald had shot three people, including President John F. Kennedy, less than an hour before making his statement. Yet many of those who believed Oswald's public proclamation of his innocence chose to believe that the government had falsified all the incriminating evidence to tarnish Oswald (who had been killed on November 24, 1963) rather than accept that they had been wrong in believing Oswald.

The charges, countercharges, and defamatory name-calling in the Snowden case therefore only deepened the great divide. Those who saw Snowden as a democratic hero exposing the abuses of power of an out-of-control national security state tended to dismiss anything that depicted Snowden in a negative light as a fabrication, while those who saw Snowden as a "traitor" tended to dismiss anything that depicted him in a more positive light.

When it comes to the murky universe of spy agencies, the problem in deciding where the truth lies is further heightened by the possibility of deliberate deception. Spy masters are, after all, in the business of concealing their most sensitive operations. It is often considered essential that important secrets be protected by what Winston Churchill famously termed "a bodyguard of lies." Top intelligence officials are not exempt from this practice. Consider, for example, the response to a question concerning the NSA's operations made by James Clapper, the director of national intelligence, to the Senate Intelligence Committee on March 12, 2013. The Democratic senator Ron Wyden of Oregon, who was on the committee, asked the spymaster if the NSA collected data on Americans. Clap-

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per answered that the NSA did not knowingly "collect any type of data" on millions of Americans. Clapper's answer was clearly untrue, but it did not mislead Senator Wyden or any other members of the Senate Intelligence Committee; Clapper had truthfully testified in a classified session of the committee earlier that week that the NSA did collect Americans' telephone records. It was the American people who were being misled. Yet none of the senators on the committee corrected this obviously false answer. When Clapper realized he had misspoken, he could not publicly correct the record of the public session, because to do so would be revealing classified information he had sworn to protect. No doubt other intelligence officers find themselves in a similar bind in discussing secret matters. This suggests that there is a risk in accepting statements made by the intelligence chiefs at face value.

But Snowden also has a credibility problem. He has told numerous untruths, including some calculated to help him insinuate himself into the key positions from which he stole secrets and some calculated to cover up the nature of his theft. For example, Snowden got access in the spring of 2013 to the NSA's super-secret computers that stored these electronic files by working at Booz Allen Hamilton. On his application to Booz Allen in March 2013, as we've seen, Snowden claimed to be in the process of completing a master's degree at the University of Liverpool in computer security sciences. Snowden had not completed a single course there and purposely lied to get access to classified documents and then to get safely away with them.

He was also not entirely truthful with the journalists whose trust he sought when it suited his purpose of protecting himself. For example, as we have seen, in contacting Laura Poitras under the alias Citizen Four in January 2013, he told her that he was currently a "government employee," although in fact he was working for a private contractor at the time.

Snowden had little concern about misleading journalists when it suited his purpose. For example, he told Alan Rusbridger of *The Guardian*, Brian Williams of NBC News, James Bamford of *Wired*, Katrina vanden Heuvel of *The Nation*, Barton Gellman, and Jane Mayer of *The New Yorker* that the U.S. government intentionally

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acted to "trap" him in Moscow by revoking his passport while he was already on a plane to Moscow on the afternoon of June 23. None of these journalists asked Snowden what the basis for his oft-repeated allegation was. If they had, they would have discovered that he had no independent basis for his assertion. When asked about it during the Q&A following his July 12 press conference in Moscow, he indeed said that the only knowledge he had about the suspension of his passport was what he had "read" in the news reports. But all the news stories prior to his statement reported that his passport had been revoked on June 22, while he was still in Hong Kong. ABC News, for example, reported that the U.S. "Consul General–Hong Kong confirmed Hong Kong authorities were notified that Mr. Snowden's passport was revoked June 22." By advancing that date to when his plane was in "midair" on June 23, Snowden provided to unsuspecting journalists an untrue alibi for his presence in Russia.

The credibility problem with Snowden assumed a more sinister dimension once he put himself and his fate in the hands of the Russian authorities in Moscow. Even though the Obama administration decided against revealing the extent of the Russian intelligence service's participation in Snowden's move from Hong Kong to Moscow, or what intelligence services call an "exfiltration," I was told by a presidential national security staff adviser that the government acted to protect the intelligence sources used by the CIA, the NSA, and the FBI to track Snowden's movements in the latter part of June in Hong Kong. The CIA's deputy director, Morell, would go no further than to state that during that period he had no doubt that the intelligence services of Russia and China "had an enormous interest in him and the information he [Snowden] had stolen." Presumably, the last thing these adversary services would want would be to make this "interest" transparent to the United States.

The role of concealment must be taken into account when assessing information bearing on the work of espionage services. When I was interviewing James Jesus Angleton—the CIA's legendary ex-counterintelligence chief, active in the 1970s—for a book on deception, I learned that intelligence services play by a different set of rules from historians when it comes to their espionage successes.

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Angleton, a famously baroque thinker himself, impressed on me the complexity of espionage. He said, "It's not enough just to steal a secret. It must be done in a way that the theft remains undetected."

Deception is employed to obscure the nature and the extent of the espionage theft. One of the most famous examples of this principle was the deception used by British intelligence in World War II to conceal its success in breaking the German ciphers generated by the Enigma machines. If German naval intelligence had discovered Britain was able to read the ciphers it used to communicate with its U-boats, it would have stopped using them. So British intelligence hid its coup by supplying false information to known German spies to account for the sinking of U-boats, including the canard that British aerial cameras could detect one ingredient in the paint used to camouflage the U-boats.

That same hoary principle of deception applies to modern-day communications intelligence. If the Russian, Chinese, or any other adversary intelligence service got its hands on the documents stolen by Snowden from the NSA's repositories in Hawaii in 2013, it would likely employ deception, including well-crafted lies, to create as much ambiguity as possible as to the missing documents. From this counterintelligence perspective, the intelligence issue that spawned the great divide cannot be resolved by accepting the uncorroborated statements made by a source, such as Snowden, who may be in the hands of the Russian security services in Moscow.

By the same token, the calculations made by NSA officials about the extent of the theft are also suspect. After all, the NSA is an intelligence service that often engages in secret machinations. We know that its top officials reported to the House and Senate Intelligence Committees, as well as the president's national security adviser, that Snowden compromised over one million documents. But if this was disinformation, it is difficult to see its purpose. Inflating the extent of the damage of the Snowden breach to the president, Congress, and the secretary of defense obviously reflected poorly on their own management of the NSA, and their own careers. Yet such a possibility cannot be precluded in the arcane world of intelligence.

As in any case involving the loss of state secrets, uncontested facts remain in extremely short supply. The opinion-laden appellatives

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such as "patriot" and "traitor" that have tended to fill the gap in the great divide do little to address the important mystery of how many thousands of state secrets were taken from the United States. How did Snowden breach the supposedly formidable defenses of the NSA? Did he have any assistance? How did he escape to Moscow? And what was the final destination of the stolen documents? How Snowden succeeded in this coup cannot simply be pieced together from his own statements and interviews. The story also requires a visit into the wilderness of mirrors of a counterintelligence investigation. For this endeavor, it is necessary to return to the crime scene: the NSA's base in Hawaii.

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CHAPTER 14

The Crime Scene Investigation

> Any private contractor, not even an employee of the government, could walk into the NSA building, take whatever they wanted, and walk out with it and they would never know.
>
> —EDWARD SNOWDEN, Moscow, 2014

FIFTEEN MILES NORTHWEST of Honolulu on the island of Oahu, adjacent to the sprawling Wheeler Air Force Base, is a 250,000-square-foot, man-made mound of earth and reinforced concrete surrounded by an electrified fence. Inside the mound is a three-story structure originally built by the air force in World War II as a bomb-proof aircraft repair facility. In the Cold War, it was modernized to withstand enemy chemical, biological, radiological, or electromagnetic pulse attacks and was used by the navy's operation center for its Pacific fleet. After the Cold War, the huge edifice was turned over to the NSA, which, as stated earlier, had been created as an intelligence service to intercept the communications and signals of foreign countries after World War II, a mission that included vacuuming into its giant computer arrays telephone messages, missile telemetry, submarine signals, and virtually everything on the electromagnetic spectrum of interest to the U.S. Defense Department and U.S. intelligence agencies. As the NSA developed it, this Hawaiian base became one of its primary regional bases for gathering Asian

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communications intelligence. It provided a valuable window on the activities of adversary nations in the Pacific region and was able to monitor the ballistic missile tests and submarine activities of China, North Korea, and Russia. By 2013, the Kunia base had a vast array of state-of-the-art technology, including ninety Cray supercomputers arranged in a horseshoe configuration, used to decipher and make sense of the intercepted signals from China, Russia, and North Korea. At the heart of the Hawaiian complex was a unit with both military and civilian employees. A large share of the civilians who ran the computers worked under two-year contracts with the NSA's leading civilian contractor, Booz Allen Hamilton.

General Alexander, who, as I said, headed the NSA in 2013, first learned about an impending story in *The Guardian* on June 4, while he was in Germany meeting with its top intelligence officials, from Janine Gibson, *The Guardian*'s American website editor. She had notified the NSA it intended to break a story focusing on the organization. It took NSA counterintelligence less than forty-eight hours to determine that a civilian employee at the base from which documents were stolen had not reported back to work on May 22. His civilian supervisor had delayed reporting the absence to the NSA until May 28. It also determined that the missing civilian employee, Snowden, had lied on his application for a medical leave and had flown to Hong Kong. Personal records showed he was being trained as an analyst at the Threat Operations Center and had worked there for less than six weeks. He had taken the medical leave on May 18 and left the country by plane. By June 6, he had become the NSA's main suspect.

Alexander flew to Washington, D.C., after assigning the sensitive job of investigating the breach to a team headed by Richard "Rick" Ledgett, who was then director of the NSA's Threat Operations Center at the NSA's headquarters in Fort Meade, Maryland. Ledgett was the logical choice to head the damage assessment investigation because the center's regional branch in Hawaii was under his command. Ledgett flew to Hawaii, where his first task was to reconstruct the chronology of Snowden's moves, or, as the tactic is called in counterintelligence parlance, "walking the cat back."

The NSA had also notified the FBI of Snowden's possible involve-

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ment in the theft of state secrets in the first week of June. The FBI is in charge of criminal investigations of civilian U.S. intelligence workers, even if the alleged crime occurs on an NSA base. The FBI immediately dispatched a task force of agents to investigate a potential espionage case in Hawaii. When questioned, Lindsay Mills said Snowden was away on a business trip. After determining from airline and hotel data that he was in Hong Kong, the FBI realized Snowden was a possible intelligence defector. It froze his credit and bank cards. It also notified the passport office in the State Department and the legal attachés at the Hong Kong consulate. The legal attachés, who were actually FBI field agents posted in Hong Kong, located Snowden at the Mira hotel on June 8. On the evening of June 9, Snowden revealed in his twelve-minute video posted on the *Guardian* website that he was the source of the stolen NSA documents. Because Hong Kong is part of China, U.S. law enforcement did not have the means to recover them.

At that point, determining the magnitude of the theft of documents became a critical concern of the investigation. Aside from the few dozen documents published by *The Guardian* and *The Washington Post*, what else had Snowden stolen?

Within the next few days, a small army of forensic investigators from the FBI, the Defense Department, and the "Q" counterintelligence division of the NSA swarmed onto the NSA base in Hawaii. The proximate crime scene for their investigation was the National Threat Operations Center. They examined the cubicle where Snowden had last worked and then began retracing all his activities at the NSA from 2009 to 2013. To begin with, they needed to find out how many documents from the center had been copied and taken by Snowden.

Meanwhile, the Defense Intelligence Agency (the Pentagon's own intelligence service) was kept partially in the dark. Although the NSA is officially part of the Department of Defense, it operated with a high degree of autonomy with its own inspector general, investigative staff, and reporting channels. The DIA did not learn from the NSA that Snowden had stolen military documents concerning the joint Cyber Command until July 10. The number of stolen military documents from the Department of Defense was staggering.

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The DIA found from its forensic examination that Snowden had copied "over 900,000" military files. Many of these non-NSA files came from the Cyber Command, which had been set up in 2011 by the NSA and the army, navy, marine, and air force cryptological services to combat the threat of warfare in cyberspace. The loss was considered of such importance that between 200 and 250 military intelligence officers worked day and night for the next four months, according to the DIA's classified report, to "triage, analyze, and assess Department of Defense impacts related to the Snowden compromise." The job of this unit, called the Joint Staff Mitigation Oversight Task Force, was to attempt to contain the damage caused by the Snowden breach. In many cases, containment meant shutting down NSA operations in China, Russia, North Korea, and Iran so they could not be used to confuse and distract the U.S. military.

The NSA and the Defense Department were not the only government agencies concerned with determining the extent of the breach. The NSA acted as a service organization for the CIA through handling most if not all of its requests for communications intelligence to support both its international espionage and its analytic operations. Although the CIA and the NSA were both part of the so-called intelligence community, the NSA did not immediately share with the CIA details of the Snowden breach. Despite the immense potential damage of the theft, it was not until June 10 that the CIA's director, John Owen Brennan, and his deputy, Michael Morell, were briefed by the NSA. When Morell realized how much data Snowden had taken, he was astounded.

"You might have thought of all the government entities on the planet, the one least vulnerable to such grand theft would have been the NSA," he wrote. "But it turned out that the NSA had left itself vulnerable." According to Morell, he bluntly told the NSA briefer that it was urgent for the CIA to be brought in on the case. After all, the CIA had employed Snowden only four years earlier. Specifically, Morell said, the CIA needed to find out three things: Had CIA documents been part of Snowden's haul? How long had Snowden been stealing documents? Had Snowden been working "with any foreign intelligence service, either wittingly or not"?

According to Morell, the effort to get a direct answer from NSA

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officials to these three key questions "proved maddeningly difficult." He found that in mid-June NSA officials with whom he dealt were so "distraught at the massive security breach" that initially they refused to allow even CIA officers to participate in the ongoing security review. A former NSA executive told me there was "near panic" at the NSA. Finally, Morell called Chris Inglis, a former professor of computer science who had risen to be the NSA's deputy director at the time of the breach. Inglis, who headed operations for the NSA, told him "the news was not good." Among the data copied by Snowden were a large number of CIA secrets. By the time the CIA learned that its secrets had been compromised, Snowden was headed to Russia.

The investigation of a crime involving potential espionage is no easy task. In this case, it required attempting to solve a jigsaw puzzle in which not only were key pieces missing but also, because it involved adversary intelligence services, some of the found pieces might deliberately have been twisted to mislead the U.S. investigators.

By late July, NSA investigators had made their initial assessment. They determined that most of the material had been taken from sealed-off areas known in intelligence speak as "compartments," which in this case were files stored on computers that were isolated from any network. Each compartment electronically tracks all the activities that occur in it on its logs, including the password identity of any person who has gained entry to any compartment. From a forensic examination of these logs, NSA investigators were quickly able to reconstruct the timeline of the theft. The logs showed that an unauthorized party without proper passwords had begun copying files in mid-April, which was just days after Snowden began his job at the center. The illicit activity ended just before Snowden's last day of work there. So this piece fit in with Snowden's guilt.

The size of the theft was another matter. Ledgett was certainly in a position to know (in the shake-up that followed, he would replace Inglis as deputy director of the NSA). According to Ledgett, the perpetrator had "touched" 1.7 million documents, moving from compartment to compartment. Of these "touched" documents, according to the analysis of the logs, more than one million of them had been moved by the unauthorized party in mid-May to an auxiliary com-

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puter intended to be used for temporary storage by authorized service personnel. Finally, the data was transferred off this auxiliary computer presumably to thumb drives or other external storage devices. This download occurred just days before Snowden left the NSA on May 17, 2013, having told the agency that he needed a medical leave of absence.

The quantity of stolen documents, 1.7 million, does not necessarily reveal the damage and can itself be misleading. Many documents do not reveal current or known sources or methods, and others may have little value to an enemy. And a large portion of the documents might have been duplications. The quality of some of these documents is another matter. Just one document that exposed a source or method of which enemies are unaware can be of immense value. One such document taken by Snowden provided what Ledgett called "a roadmap" to the NSA's current secret operations, revealing to an adversary such as Russia, China, or Iran "what we know, what we don't know, and, implicitly, a way to protect themselves." There were many documents in the Snowden breach that met these criteria, according to a national security official at the Obama White House.

General Alexander closely followed the investigation as it developed over the summer of 2013. By then, of course, the whole world knew that Snowden had stolen a vast trove of NSA documents. Alexander saw major inconsistencies developing between Snowden's personal account of the theft and what had actually happened. The timeline established by the government's investigators did not match Snowden's story line. "Something is not right," Alexander said in an interview.

For one thing, Snowden had made the claim to journalists, four months after he was in Russia, that he had turned over all the documents he took from the NSA's compartments to Poitras and Greenwald in Hong Kong. On August 18, the investigators had the opportunity to examine the files that Snowden had given to Poitras and Greenwald. This discovery came when British authorities, under Schedule 7 of Britain's Terrorism Act, detained David Miranda, Greenwald's romantic partner, at Heathrow Airport. Miranda was suspected of acting as a courier for Greenwald and Poitras. According to Greenwald's account, Snowden had given both him and Poi-

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tras identical copies of the NSA documents in Hong Kong. When Greenwald returned home to Rio de Janeiro, he found his copy was corrupted. But Poitras still had her digital copy of whatever stolen documents Snowden had distributed to them. So Greenwald dispatched Miranda from Rio to Berlin to get a copy of Poitras's thumb drive. On the return trip, Miranda's plane stopped at Heathrow, where British authorities detained him and temporarily took the thumb drive from him. Poitras had written out the password for Greenwald, and Miranda kept it with the thumb drive. The British copied the contents and shared them with the NSA. As a result, the NSA discovered that Snowden had only given Poitras fifty-eight thousand documents. The damage assessment team under Ledgett determined that some of these documents had been edited out of much larger documents that the NSA logs showed Snowden had copied. By the count of both the NSA and the Defense Department teams, almost one million documents were unaccounted for. What happened to the missing documents?

The NSA investigation found that the chronology of the theft of documents did not support Snowden's claim to journalists that he had only been seeking whistle-blowing documents. Most of the documents he took first did not concern the domestic activities of the NSA. Only toward the end of the theft did he copy documents that would qualify as whistle-blowing. The court order to Verizon that was the basis of the initial *Guardian* exposé was only issued by the FISA court on April 27, 2013. The other main whistle-blowing document he revealed, the PowerPoint presentation about PRISM, was only issued in April 2013. Yet Snowden had been downloading documents for at least nine months before he copied these documents.

When I discussed the chronology of the copied documents with a former government official briefed on the investigation, he suggested that Snowden's purpose might have changed between 2012 and 2013. When I asked him what might have induced the change, he replied, "That is one of the unanswered questions." That Snowden only took these two whistle-blowing documents at the tail end of his nine-month operation, and after he had contacted Poitras and Greenwald, suggests he might have had another motive prior to contacting journalists. In light of this chronology, the investigation

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had to consider the possibility that his whistle-blowing was, partly if not wholly, a cover for another enterprise.

Snowden told journalists he had access to "millions of records that [he] could walk out the door with at any time with no accountability, no oversight, no auditing, the government didn't even know they were gone." However, he was not among the limited number of individuals at the center who had access to these documents. Both the NSA's and Booz Allen's employment records showed that Snowden had not yet completed his requisite on-the-job training when he carried out the theft. Consequently, he had not yet been provided with the passwords he needed to get the documents. Even if he had remained at the NSA long enough to finish his training, he would only have been provided with the password to the particular compartment relevant to his work, not to all compartments. The tight control over these passwords was, according to a former top NSA official, a critical part of the NSA's security framework. He told me that Snowden, at least during the period of the thefts in April and May 2013, had no more legitimate access to the compartments than the cleaning personnel. Somehow, though, Snowden converted his proximity to access.

If a hundred top-quality diamonds were stolen from locked vaults at Tiffany by a recently hired trainee who, it turned out, did not have the combination to open these vaults, the police would be expected to consider that the trainee might have had help from a current or former insider at the company who knew the combinations. Snowden, who had accomplished a similarly inexplicable feat, said in his video confession that he was solely responsible. However, it is perfectly logical to assume, given the circumstances, that he might have had help, unwitting or witting.

The FBI could assume either that the NSA's security regime was so badly flawed that Snowden could trick his fellow workers into providing him with access or that there was another individual at the center who might have assisted or directed Snowden. When the investigation came to this fork in the road in the summer of 2013, according to a source on the House Intelligence Committee, it chose the former route.

Finally, there was the question of whether Snowden had gone to

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Russia by design or by accident. Whenever an intelligence worker steals sensitive compartmented information of interest to a foreign adversary and then defects to that adversary, it raises at least the specter of state-sponsored espionage. It is a commonly accepted presumption in counterintelligence that a spy, fearing arrest, flees to a country that has some reason to offer him protection. When the British spies Guy Burgess, Donald Maclean, and Kim Philby fled to Moscow during the Cold War, the presumption was that they had a prior intelligence connection with Russia. Philby confirmed that in his 1968 memoir, *My Silent War*. So in the case of Snowden, counterintelligence had to consider the possibility that his theft of state secrets and his arrival in Moscow might not be totally coincidental.

Snowden blamed high officials in the U.S. government who purposely "trapped him" in Russia. He told the editor of *The Nation*, "I'm in exile. My government revoked my passport intentionally to leave me exiled" and "chose to keep me in Russia." He repeated that assertion over a dozen times, but as we've seen, it had no basis in fact. Whenever criminal charges are lodged against a U.S. citizen by the Department of Justice, the State Department, in accordance with the U.S. code of justice, marks in the electronic passport validation advisory system that that person's passport is valid only for return to the United States. After criminal charges were publicly filed against Snowden on June 21, it advised foreign governments that because Snowden was wanted on felony charges, he "should not be allowed to proceed in any further international travel, other than is necessary to return him to the United States." Rather than "exiling" Snowden, the government acted to facilitate his return home. With his passport, he could have flown home from either Hong Kong or Moscow, where he, like any other person accused of a felony, would face the charges against him. Snowden's unfounded claims suggested to investigators that he had something to hide about his arrival in Russia.

The counterintelligence investigation had access to State Department records showing that its representatives in Hong Kong had informed authorities there on June 16 that there were criminal charges against Snowden. Only a typographical error in spelling out Snowden's middle name—James instead of Joseph—in the criminal

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charges prevented the Hong Kong police from immediately ordering his detention. His Hong Kong lawyers were certainly advised of these pending charges no later than June 21, when they were published on the front page of the *South China Morning Post* in Hong Kong. Presumably, Snowden knew that actions by the U.S. government were already in progress and that one of these actions would include restricting his passport. One of his lawyers, Jonathan Man, even accompanied Snowden to the airport out of his concern that he would not be allowed by Hong Kong authorities to go through passport control. Ordinarily, Hong Kong passport control scans passports when tourists exit but does not check them against a computerized database.

In any case, when Snowden arrived in Russia on June 23, any future international travel decisions for him would be up to the government of Russia, not that of the United States. It could have sent him back to Hong Kong, as is normally done when someone arrives without a proper visa, or to the United States. The only government with the actual means to "trap" him in Russia was the Russian government.

Senior intelligence officials also knew that the U.S. government, rather than conspiring to keep Snowden in Moscow, had met nearly every day while he was in Hong Kong with Lisa Monaco, President Obama's homeland security adviser, in the White House Situation Room to find a way to prevent Snowden and his cache of secrets from falling into Russian hands. Robert S. Mueller III, then the FBI director, reportedly even directly appealed to the FSB head, Alexander Bortnikov, to return Snowden to the United States.

U.S. intelligence also knew that it was no accident that Snowden wound up in the hands of Russia. He had been in contact with Russian officials in Hong Kong. It will be recalled that Putin admitted to this liaison on September 3, in a press briefing on state-owned Channel One television; he also divulged that he had advance knowledge of Snowden's plan.

"I will tell you something I have never said before," Putin said. Snowden "first went to Hong Kong and got in touch with our diplomatic representatives." Putin was told then that an American "agent of special services" was seeking to come to Russia. Putin added that

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he declared that this agent would be "welcome, provided, however, that he stops any kind of activity that could damage Russian-US relations."

Even before that public confirmation of the Russian role in Hong Kong, the White House was well aware of it. On June 23, the Democratic senator Charles Schumer of New York correctly said, based on a White House briefing, that "Vladimir Putin had personally approved Snowden's flight" to Moscow. The NSA had the means to monitor Russian communication between Moscow and Hong Kong. The NSA also reportedly intercepted contacts between these Russian officials and Russian representatives of Aeroflot, the Russian state-owned airline that had flights between Hong Kong and Moscow. Aeroflot (like most other international carriers) ordinarily requires international passengers to have both a valid passport and, if necessary, a visa to the country of their destination. Those rules had to be waived for Snowden's exfiltration from Hong Kong. Snowden's defection to Moscow was not a haphazard result of unexpected circumstances. Russia obviously knew he was coming. This raised new questions for the investigation. What led Snowden to defect to Russia? Was his arrival in Moscow planned by Russian intelligence in advance of his going public in Hong Kong? Was any other party, such as China, privy to the plan? Was there a quid pro quo?

Putin's authorization could certainly account for Aeroflot's waiving its usual passport and visa check to allow Snowden to board its plane, as well as the dispatch with which Russian officials whisked Snowden off the plane after it landed at the Moscow airport. It could also account for Snowden's vanishing from public view for the next three weeks and the promulgation of the cover story that Snowden was unwillingly trapped at the airport by the U.S. government. The reasons behind Putin's move were less clear.

By September 2013, the investigation was looking into a veritable abyss. Snowden's culpability was no longer an issue. What was lacking from Snowden's video, or the two-hour film made by Laura Poitras, was any specific information on how many documents he had copied, how he had obtained the passwords to the computers on which they were stored, the period of time involved in the theft, or how he had breached all the security measures of the NSA in

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Hawaii. Nor would that data be forthcoming from Snowden, who may be the only witness to the crime. By June 23, he was in a safe haven in Moscow. Even though the grand jury case against Snowden was cut and dry, it was also irrelevant because the United States does not have an extradition treaty with Russia.

The purpose of the intelligence investigation went far beyond determining Snowden's guilt or innocence, however. Its job was to find out how such a massive theft of documents could occur, how the perpetrator escaped, and, perhaps most urgent, who had obtained the unaccounted-for stolen documents from Snowden.

In his interviews with journalists in Moscow, Snowden studiously avoided describing the means by which he breached the security aperture of America's most secret intelligence service. He only told the journalists who came to Moscow to interview him, with a bit of pseudo-modesty, that he was not "an angel" who descended from heaven to carry out the theft. But the question of how Snowden stole these documents may be the most important part of the story. The NSA, after all, furnishes communications intelligence to the president, his national security advisers, and the Department of Defense, intelligence that is supposedly derived from secret sources in adversary nations. If these adversary nations learn about the NSA's sources, then the information, if not worthless, cannot be fully trusted. The most basic responsibility of the NSA is to protect its sources. Yet Snowden walked away with long lists of them. In doing so, he amply demonstrated that a single civilian employee working for an outside contractor, even one not having the necessary passwords and other access privileges, could steal documents that betrayed these vital sources. He also demonstrated that such a massive theft could go undetected for at least two weeks.

If Snowden managed this feat on his own, as he claims in his Hong Kong video, it suggests that any other civilian employee with a perceived grievance against NSA practices or American foreign policy could also walk away with some of the most precious secrets held by U.S. intelligence. Such vulnerability extends to tens of thousands of civilian contract employees in positions similar to the one held by Snowden. The lone disgruntled employee explanation is therefore hardly reassuring. If true, it calls into question the entire

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multibillion-dollar enterprise of outsourcing the management of the NSA's computer networks and other technical work to outside contractors. It also casts doubts on the post-9/11 decision by the intelligence community to strip away much of the NSA's "stovepiping" that previously insulated its most sensitive computers. Without such stovepiping, any rogue civilian employee could bring down the entire edifice of shared intelligence.

A finding that Snowden had acted in concert with others in breaching compartments at the NSA would hardly be any more reassuring. Such collaboration among intelligence workers would reflect gravely on the mind-set of the NSA. Snowden described an atmosphere in which intelligence workers exchanged lewd photographs of foreign suspects. Some NSA employees met to protest the NSA policies. Did this violation of the NSA's rules also involve abetting the theft of documents? If so, the NSA would have to evaluate further vulnerabilities that might arise when it entrusts its secrets to technicians who do not share its values. A collaborative breach would signal an immense failure of the present concept of the counterintelligence regime in the NSA.

From what I gathered from government officials who were familiar with the investigation, there was a concern that answering the "how" question would rouse serious doubts about the very ability of the NSA to carry out its core mission of protecting the government's intelligence secrets. However it was organized, it was clear that Snowden had played a major role in what amounted to a brilliant intelligence coup.

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CHAPTER 15

Did Snowden Act Alone?

> When you look at the totality of Snowden's actions certainly one hypothesis that jumps out at you, that seems to explain his ability to do all these things, is that he had help and had help from somebody who was very competent in these matters.
>
> —GENERAL MICHAEL HAYDEN, former director, NSA and CIA

A WHISTLE-BLOWER enters the enterprise of stealing state secrets for reasons of conscience, but so do many spies. Such conscience-driven spies are called, in CIA parlance, "ideological agents." For instance, the British diplomat Donald Maclean, one of the most important Russian spies in the Cold War, was an ideological recruit. He stole immensely valuable U.S. nuclear secrets for the Russian intelligence service without receiving any monetary compensation.

The acceptance of money is not necessarily a meaningful distinction when it comes to espionage. To be sure, many spies get paid, but some whistle-blowers also receive a rich bounty for their work. Indeed, under federal laws, whistle-blowers can qualify for multimillion-dollar bounties for exposing financial malfeasance. The whistle-blower Bradley Birkenfeld, for example, after he himself was paroled from prison in 2012, received an award of $104 million for providing data that exposed illicit tax sheltering at the Swiss UBS bank. Assange also offered political whistle-blowers six-figure cash

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bounties from money raised on the Internet. In 2015, for instance, WikiLeaks offered $100,000 bounties to any whistle-blowers who provided the site with secret documents exposing details of the Trans-Pacific Trade Agreement.

Nor is acting alone necessarily a line that divides whistle-blowers from spies. In many cases, whistle-blowers have accomplices who help them carry out their mission. For example, in 1969, the celebrated whistle-blower Daniel Ellsberg, a military analyst at the Rand Corporation, had an accomplice, Anthony Russo, who had also worked at Rand. (Both were indicted by the government.) Acting in concert, they copied secret documents that became known famously as the *Pentagon Papers*.

Whistle-blowers can also, like conventional spies, enter into elaborate conspiracies to carry out an operation. On the night of March 8, 1971, eight whistle-blowers working together with burglary tools broke into the FBI office in Media, Pennsylvania, and stole almost all the FBI files there. The conspirators escaped and kept their identities secret for over forty-two years.

Self-definitions also do not necessarily produce a distinction between whistle-blowers and conventional spies. Consider Philip Agee, who left the CIA in 1969 for what he described as "reasons of conscience." Specifically, he said he objected to the CIA's covert support of Latin American dictators. After contacting the Soviet embassy in Mexico City, he defected to Cuba, where he leaked information that exposed CIA operations. Although Agee insisted he was a whistle-blower, and he adamantly denied offering any secrets to the Soviet Union, the KGB viewed him as a conventional spy. According to Oleg Kalugin, the top Soviet counterintelligence officer in the KGB in Moscow, who defected to the United States, Agee offered CIA secrets first to the KGB residency in Mexico City in 1973 and then to the Cuban intelligence service. Agee provided the KGB with a "treasure trove" of U.S. secrets, Kalugin revealed. "I then sat in my office in Moscow reading the growing list of revelations coming from Agee." Despite this disparity, Agee still defined himself to the public as a whistle-blower because he also had exposed CIA operations to the public.

The Snowden case blurs the demarcation line even further. Unlike

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other whistle-blowers who uncovered what they considered government malfeasance by virtue of their jobs, Snowden, by his own admission, took a new job in 2013 specifically to get access to the SCI files concerning NSA sources that he stole from the Threat Operations Center. Switching jobs in order to widen one's access to state secrets is an activity usually associated with penetration agents, not whistle-blowers. While the technical distinction between a whistle-blower and a spy may still serve the media in the case of Snowden, it does not help in solving the counterintelligence conundrum. A complex theft of state secrets had been successfully carried out in a supposedly secure site. The only known witness, Snowden, had escaped to Russia, where he could be of no help in reconstructing the crime for American intelligence agencies. The stolen data was kept in the equivalent of sealed "vaults"—actually computer drives that were not connected to the NSA network. If ever there was a locked-room mystery, this was it.

According to the FBI investigation, Snowden pierced these barriers by using passwords that belonged to other people and using credentials that allowed him to masquerade as a system administrator. It was a feat that must have required meticulous planning.

To address such a mystery, a counterintelligence investigation starts with a tabula rasa, stripping away all the previous assumptions, including that Snowden was the lone perpetrator. It builds alternative scenarios to test against the known facts. To be sure, scenario building differs from that of a conventional forensic investigation aimed at finding pieces of evidence that can be used to persuade a jury in a courtroom. Unlike a judicial investigation concerned with guilt and innocence, scenario building looks to develop a story that is, concurrently, intrinsically consistent and humanly plausible, and in the process it also identifies and explores the possible holes in the case.

"Scenarios deal with two worlds: the world of facts and the world of perceptions. They explore for facts but they aim at perceptions inside the heads of decision makers. Their purpose is to gather and transform information of strategic significance into fresh perceptions," wrote Pierre Wack in the *Harvard Business Review* in 1985. Such scenarios must aim at constituting a limited set of mutually

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exclusive alternatives. The point is to assure that any alternative that fits the relevant facts, no matter how implausible it may initially seem to be, is not neglected.

One of the most vexing problems that had to be explained by these scenarios is how Snowden got the passwords to up to twenty-four of these vaults. He could not have obtained these passwords during his previous employment at Dell, because Dell technicians did not have access to the Level 3 documents stored in these compartments. Nor, as noted earlier, was he given access to them when he transferred to Booz Allen, because he had not completed the requisite training.

Snowden had also, it will be recalled, relinquished his privileges as a system administrator when he transferred to Booz Allen, so he did not have the privilege to override password protection. In short, his new position as an infrastructure analyst did not give him the ability to enter compartments that he had not yet been read into.

As I've said, there are two possible ways he could have gotten these passwords: either he had assistance from a party who had access to them, or he found flaws in the NSA's security procedures that left the supposedly closed vaults effectively unlocked.

The Unwitting Accomplice Possibility

It is possible that if Snowden received assistance, it was entirely unwitting. He might have obtained some passwords through deception, such as tricking co-workers into typing their passwords into a device that captured them. As the NSA informed Congress in 2014, three of his fellow workers told the FBI that Snowden might have deceived them to gain access to their passwords. He could have simply asked other analysts at the center who had been read into compartments for their passwords. Such an approach would be extremely risky for the analyst, who could lose his job and security clearance by cooperating. It could also be risky for Snowden because any analyst he approached was supposed to report any request for a password to a security officer. Making such requests even more suspicious, Snowden had been working at the Threat Operations Center for just a few weeks as a trainee and was not well known to

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other analysts there. "It is inconceivable to me that his co-workers would divulge their passwords to him," a former Booz Allen executive, who had also worked at the Defense Intelligence Agency, told me. "If he was a system administrator, he might trick a threat analyst into entering his password into his computer under the pretext that he needed it to deal with an urgent hardware issue." But, it will be recalled, Snowden was not a system administrator at the center. Snowden therefore "had no plausible reason for requesting passwords to compartments he had not been read into," the former executive said. He said that NSA executives might have been read into all twenty-four of the compartments, but he deemed it inconceivable they would illicitly share their passwords with Snowden. I asked him what the chance was of his voluntarily obtaining some twenty-four passwords from co-workers in five weeks. "In my opinion, near zero," he said.

It is possible of course that Snowden could have simply observed others typing in their passwords, one by one, but that would take time and possibly attract attention. I asked the former Booz Allen contractor whether it was possible that Snowden could have used a device for intercepting another computer's electronic signals, called by hackers a "key logger." Such a device, which is obtainable over the Internet, could be used to steal the passwords of the analysts who had been read into the compartments. My source said that while it was possible that Snowden smuggled in a key logger in his backpack, it could not be operated unless it was hardwired to a computer inside the center, because, like those at all other NSA facilities, the computers had been insulated to block any form of wireless transmission. This precaution was taken to guard against an EMP, or electromagnetic pulse, attack by an enemy. The only way Snowden could intercept keystrokes was to attach a cable from his key logger to each of his fellow workers' computers. In this scenario, he would have had to surreptitiously build his own wired network connecting his hidden key logger to twenty-four separate computers. Moreover, he would have to do this wiring in an open-plan office where he could not count on these additional wires, even if rigged one by one, not being noticed by either other analysts in the room or the "geek squad" of system administrators who regularly checked con-

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nections. Making the task even more risky, according to my Booz Allen source, there were closed-circuit cameras. The only way he could mitigate the risk of detection was by having someone help him build this network.

Even if Snowden had managed to obtain all the necessary passwords from colleagues, he would have had to transfer the files to an external storage device. This was not a matter of simply attaching a thumb drive or other external device to a port, because, unlike in movies such as *Mission: Impossible*, the ports on the computers at the NSA were ordinarily sealed shut. This measure was taken specifically to prevent any unauthorized downloading by NSA workers. The only people at the center who had the authorization, and the means, to open these ports and transfer data were system administrators, according to the former Booz Allen executive. System administrators needed to have this privilege to deal with glitches in the computers. Snowden was no longer a system administrator and had no such privileges. So again, he would have needed help. He would have needed to either borrow a system administrator's credential or forge his own.

The credential he would need is called a public key infrastructure, or PKI, card with its authentication code embedded in a magnetic strip. When I asked the former Booz Allen executive if Snowden possessed the skill set to forge such a card, he said that he strongly doubted any NSA employee would be capable of such a forgery without special equipment. Just asking such a favor could "set off alarms," my source said.

The unwitting accomplice scenario had another stumbling block: time. We know from Poitras that Snowden told her in early April 2013 that he planned to deliver documents to her in six to eight weeks (which he in fact did). But he had not yet started working for Booz Allen at the center until that same month. It does not seem plausible that in making such a commitment he was merely counting on his ingenuity in the face of strangers to fulfill it. The only way he could have known for certain that he would be able to borrow a PKI card and obtain the passwords, whether by trickery, by observation, or by a key router, before he had begun working at the center was that he already knew someone there who would help him.

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The Witting Accomplice Possibility

The witting accomplice scenario better fits with the principle in logic called Occam's razor, which suggests that when one is choosing between alternative explanations, the one that requires the fewest assumptions should be given priority. It would be relatively easy to gain access to passwords if Snowden had the cooperation of an insider at the center who had been read into the compartments or, even better, if he had the cooperation of a system administrator with the necessary PKI cards and shell keys to bypass the password protection. Such an accomplice could also help explain how Snowden was able to get the job at the center in the first place, how he knew in advance that he could find there the "lists" of the NSA sources in foreign countries, and how he knew that there were security traps at the center. Such a witting accomplice might even have prepared in advance the "spiders" that Snowden used to index the files.

The witting accomplice scenario of course requires an unsettling expansion of the plot. It means Snowden collaborated with one or more insiders at the center to steal secret documents. It is not difficult to imagine, in light of the lax background checks for outside contractors servicing the NSA, that there were others in the "geek squad" who shared Snowden's antipathy to NSA surveillance. Certainly, we know that Snowden found other NSA workers who were willing to attend his anti-surveillance CryptoParty in December 2012. Some might be willing to offer Snowden help if he was willing to go public. Indeed, if the geek culture produced one Snowden, why wouldn't it produce others? If such an accomplice lacked Snowden's willingness to flee to another country, he might have limited his participation to supplying technical assistance. For his part, Snowden might have agreed to divert suspicion from his accomplice by taking sole responsibility for the crime when he went public.

All of this is theoretically possible, but no witting accomplice was ever identified. The FBI, which was in charge of the domestic part of the investigation of the Snowden case, questioned all of Snowden's co-workers at the center over the course of six months and failed to find anyone who knowingly helped Snowden. If the accomplice was an idealistic amateur, it is likely the FBI would have found him.

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Three co-workers did admit to the FBI, as noted earlier, that they might have inadvertently given Snowden their passwords, but these three slips would not account for Snowden's breach of all the other compartments. Of course, there might have also been less forthcoming co-workers who hid their slips in divulging their passwords to Snowden.

This raises the more sinister possibility that the accomplice was not an amateur co-worker but a spy who was already in place when Snowden arrived. Such a penetration agent could have been recruited by an adversary intelligence service before Snowden came on the scene. After Snowden expressed a desire to expose the NSA's domestic surveillance, it could then have used him as an "umbrella" to hide its own activities. Finding such a means to protect a source while exploiting his or her information is not uncommon in espionage operations, and because Snowden was willing to flee America and go public, he could serve as a near-perfect umbrella. "Snowden may have carried out of the NSA many more documents than he knew about," Tyler Drumheller, the former CIA station chief, said. It could also account for the disparity between the claims of Snowden and the NSA damage assessment as to the number of documents that were compromised.

As far-fetched as this scenario may seem, less than three years before the Snowden breach the NSA had received a warning from a CIA mole (to be discussed in greater detail later) that the Russian intelligence service might have recruited a KGB mole at the Fort Meade headquarters of the NSA. No mole was found in 2010, and if one existed, it could not have been Snowden, who was working for the NSA in Japan in 2010. Such a putative mole could conceivably have acquired enough information to later facilitate Snowden's operation.

As Snowden acknowledges, he was not a happy worker at the NSA. He complained in his posts over the Internet between 2010 and 2013 about superiors and what he considered NSA abuses to co-workers. If someone assumed the guise of a reluctant whistleblower, he would have little difficulty in approaching Snowden. Snowden might not even know his true affiliation beyond that he

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shared Snowden's anti-surveillance views. If Snowden then voiced an interest in exposing the NSA's secrets, this person could supply him with the necessary guidance, steering a still-unsuspecting Snowden first to the Booz Allen position and afterward to his associates in Hong Kong. By taking sole credit for the coup in the video that he made with Poitras and Greenwald in Hong Kong, he acted, as he told Greenwald, to divert suspicion from anyone else. This move could also give any collaborator he might have had in Hawaii time to cover his or her tracks.

The astronomer Carl Sagan famously said in regard to searching the universe for signals from other civilizations that the "absence of evidence is not evidence of absence." That injunction also applies to the spooky universe of espionage. The fact that a mole hunt fails to find a hidden collaborator at the NSA does not necessarily mean such a mole does not exist. Historically, we have many notable cases in which Russian moles eluded long, intensive investigations. Robert Hanssen penetrated the FBI for over twenty years for the KGB without being caught. Similarly, Aldrich Ames acted as a KGB mole in the CIA for more than ten years and passed all the CIA's sophisticated lie detector tests. Both Hanssen and Ames eluded intensive FBI and CIA investigations that lasted over a decade. According to Victor Cherkashin, their KGB case officer, whom I interviewed in Moscow in 2015, the KGB was able to hide their existence from investigators for such a long period partly because of the widespread belief in U.S. intelligence that moles were fictional creatures that sprang from the "paranoid mind" of James Jesus Angleton. When I then cited the signature line from the movie *The Usual Suspects*, "The greatest trick the devil ever pulled was convincing the world he didn't exist," Cherkashin thinly smiled and said, "CIA denial [of moles] certainly helped."

In view of such past successes of the Russian intelligence services, it cannot be precluded that there was another person in the NSA working with the enthusiastic Snowden as cover to prevent any light from falling on his own surreptitious spying. While it may seem extremely unlikely that Snowden had such assistance, the alternative scenario, that Snowden broke into the sealed compartments and

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made off with the documents without any assistance, seems equally unlikely.

Even if Snowden had been, as he claims, a pure idealist seeking to right a perceived wrong, it does not exclude the possibility of his becoming entangled in the plots of others. Intelligence services make it their business to bring about such witting or unwitting entanglements.

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CHAPTER 16

The Question of When

> The NSA was actually concerned back in the time of the crypto-wars with improving American security. Nowadays, we see that their priority is weakening our security.
>
> —EDWARD SNOWDEN, Moscow, 2015

IN HIS 1974 NOVEL, *Tinker, Tailor, Soldier, Spy,* John Le Carré helped establish the concept in the public imagination of a mole burrowing into a rival intelligence service. Le Carré's now-classic mole, code-named Gerald by the KGB, managed in the novel to gain access to the inner sanctum of the British intelligence service MI6. Aided and guided by his controllers in Moscow, he systematically stole British intelligence secrets. As Le Carré wove the plot, the brilliantly orchestrated operation involved spotting, compromising, and recruiting others to gradually advance Gerald the mole to a position of power. Such well-organized penetrations are not limited to fiction. The career of the KGB mole Heinz Felfe, who was advanced through the ranks of West German intelligence by an elaborate series of sacrifices by his controllers in Moscow until he actually headed West German counterintelligence in 1961, could have served as the nonfiction inspiration for Le Carré's 1963 novel, *The Spy Who Came in from the Cold.* As U.S. intelligence only found out after the Cold War ended, the KGB also had the ability to sustain moles for decades.

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The CIA also had its share of long-term successes, such as Alexander Poteyev, who fed the CIA secrets for over ten years while burrowing into Russian intelligence. In the choreography of these operations, as in Le Carré's fiction, rival intelligence services ensnared and sacrificed recruits, as if playing a chess game, to advance their moles. Despite notable successes such as Felfe and Poteyev, a great number of these elaborate conspiracies fail to insinuate a mole into their adversaries' confidence. Intelligence services therefore also take advantage of a more prosaic source: the self-generated spy, or, as they are called in the trade, a "walk-in."

Although they are largely unsung in novels, these walk-ins are an important part of espionage. A counterespionage review done for the Presidential Foreign Intelligence Advisory Board (PFIAB) in 1990 found that most U.S. spies in the Cold War had taken documents on their own volition and only afterward offered them to an adversary service. Self-generated spies have diverse motives. Some intelligence workers steal secrets for financial gain. Others take them to further an ideological interest. As opportunistic enterprises, intelligence services do not turn walk-ins away if they have valuable intelligence. Indeed, some of the most successful moles were not recruited, or even controlled, by spy agencies. They were self-generated penetrations, or "espionage sources," as the KGB preferred to call them, who first stole secrets and later voluntarily delivered them to an adversary.

Hanssen, who successfully penetrated the FBI for the Russian intelligence services from 1979 to 2001, according to the assessment of a 2002 presidential commission, had caused "the worst intelligence disaster in US history." Eleven years later, George Ellard, a former NSA inspector general who had been a member of that commission, compared Hanssen with Snowden "in that they both used very well-honed IT abilities to steal and disclose classified information vital to our national security."

It is also possible to exploit a walk-in even after he has left his service. For example, the KGB major Anatoliy Golitsyn was an ideological self-generated spy who walked into the U.S. embassy in Helsinki on December 15, 1961. He asked to see the CIA officer on duty and announced to him that he had collected a trove of KGB secrets, including information that could identify its key spies in the West.

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He offered to defect to the United States. The CIA accepted his offer, and through this archive of secrets he had previously compiled, he became one of the CIA's most productive sources in the Cold War.

The job of an intelligence service is to take advantage of whatever opportunities come its way in the form of self-generated spies. If a Russian walk-in had not yet burned his bridges to his own service, U.S. intelligence officers were under instructions to attempt to persuade the walk-in to return to his post in Russia and serve as a "defector-in-place," or mole. "While defectors can and do provide critical information," a CIA memorandum on walk-ins during the Cold War noted, "there are very few cases in which the same individual may not have been of greater value if he had returned to his post." Of course, if a walk-in believed he was already compromised, as Golitsyn did, a decision would have to be made whether the value of his intelligence merited exfiltrating him to the United States.

This required evaluating the bona fides of the walk-in. Not all walk-ins are accepted as defectors. Some walk-ins are deemed "dangles," or agents dispatched by the KGB to test and confuse the CIA. Others are rejected as political liabilities, as happened to Wang Lijun, a well-connected police chief in China. In February 2012, Wang walked into the U.S. consulate in Chengdu asking for asylum. The State Department decided against it. After Wang left U.S. protection, he was arrested for corruption and received a fifteen-year prison sentence. Such decisions about walk-ins are not made without due consideration, often at the highest level of a government, because exfiltrating a defector can result in diplomatic ruptures and political embarrassments.

Conversely, it raises espionage concerns when an adversary government authorizes the exfiltration of a rogue employee of an intelligence service. At minimum, it suggests that a rival government placed value on what the defector could provide it. The Snowden case is no exception. Whatever Snowden's prior relations might have been with Russia, it can be assumed that after he fled to Moscow, in light of the intelligence value of the stolen documents, he would wind up in the hands of the Russian security services. That assumption was reinforced by subsequent countermeasures that were implemented by adversaries moved to block secret sources of NSA

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surveillance, as the CIA deputy director later revealed. Such moves could indicate that at least part of the U.S. communications intelligence that Snowden had stolen was in enemy hands. The CIA and NSA's monitoring of these countermeasures was itself extremely delicate, because revealing what they learned about Russian and Chinese countermeasures risked compromising even more U.S. communications sources than had Snowden.

General Alexander said in his interview with *The Australian Financial Review,* "We absolutely need to know what Russia's involvement is with Snowden." He further said, "I think Snowden is now being manipulated by Russian intelligence. I just don't know when that exactly started." At what point did Snowden first come in contact with the Russians? The counterintelligence issue was not *if* this U.S. intelligence defector in Moscow was under Russian control but *when* he came under it.

There were three possible time periods when Snowden might have been brought under control by the Russian intelligence service: while he was still working for the NSA; after he arrived in Hong Kong on May 20, 2013; or after he arrived in Russia on June 23, 2013.

The NSA Scenario

The first scenario could stretch as far back as when Snowden was forced out of the CIA in 2009. It will be recalled that the CIA had planned to launch a security investigation of Snowden, but it was aborted when he resigned. He had also incurred large losses speculating in the financial markets in Geneva, which is the kind of activity that had in the past attracted the interest of foreign intelligence services. So it has to be considered in this scenario that Snowden had been recruited by the Russians after he left the CIA and directed to take jobs at civilian contractors servicing the NSA.

Such "career management," as it is called by the CIA, could explain why Snowden had switched jobs in March 2013 to Booz Allen Hamilton, which, unlike his previous employer, Dell, allowed

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him to gain proximity to the super-secret lists of the telecommunications systems that the NSA had penetrated in Russia and China. This could account for how he managed to acquire the necessary passwords to accrue privileged information. It could also account for why the documents he copied that pertained to NSA operations in Russia were not among those he gave to Poitras, Greenwald, and other journalists. Because Russia has had an active intelligence-sharing treaty with China since 1996, it could further explain why his first stop was Hong Kong, a part of China. It was a safe venue for debriefing Snowden, as well as establishing his credentials among journalists as a whistle-blower, before a decision was made to allow him to proceed to Russia.

The nearly fatal problem with this early recruitment scenario is Snowden's contacts with journalists. Snowden, it will be recalled, had contacted Greenwald in December 2012. Greenwald was a high-profile blogger in Brazil who did not use encryption or any security safeguards. Next, he contacted Poitras in January 2013 in Berlin; she was a magnet for NSA dissidents. Both of these contacts put Snowden's clandestine downloading at grave risk. As known opponents of U.S. intelligence agencies, these journalists might be, as they themselves suspected they were, under surveillance by American, British, Brazilian, or German intelligence services. Greenwald and Poitras might also tell others who were either under surveillance or informers. So no matter what precautions Snowden took, his secret enterprise, or just the fact he was in contact with anti-government activists, might be detected. At minimum, he could lose his access to secrets and be of no further use as a source at the NSA. He could also be interrogated and reveal the way he was brought under control. If Snowden had actually been under the control of the Russian intelligence service, the last thing it would allow was for him to take such a risk—or even to contact a single journalist. After all, the purpose of an espionage operation is to steal secrets without alerting anyone to the theft.

A former CIA officer told me that while anything could "go haywire" in an intelligence operation, it would be "unthinkable" that the Russian intelligence service would permit an undercover source

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it controlled in the NSA to expose himself by contacting journalists. Snowden's continued interactions with Poitras and Greenwald make it implausible that he was under Russian control *before* he went to Hong Kong.

The Hong Kong Scenario

The most compelling support for the scenario that Snowden was brought under Russian control while he was in Hong Kong comes, it will be recalled, from Vladimir Putin. His disclosure about the case leaves little doubt that Russian officials had engaged Snowden in Hong Kong, that Putin had authorized his trip to Moscow, and that the Russian government allowed him to fly to Moscow without a Russian visa. We know that Putin's version is supported by U.S. surveillance of Snowden's activities in Hong Kong. We also know that the Russians went to some lengths not only to facilitate his trip to Moscow but to arrange to keep him in Russia. This supports the possibility that the Russian intelligence service managed to bring Snowden under its sway during his thirty-four days in Hong Kong.

The Russian intelligence service might even have been aware of Snowden and his anti-NSA activities before his arrival on May 20. Snowden was anything but discreet in his contacts with strangers in the anti-surveillance movement, including such well-known activists as Runa Sandvik (to whom he revealed his true name and address via e-mail), Micah Lee, Jacob Appelbaum, Parker Higgins, and Laura Poitras. "It is not statistically improbable that members of this circle were being watched by a hostile service," a former NSA counterintelligence officer told me in 2015. When I told him that Poitras and others in her circle had used PGP encryption, aliases, and Tor software in their exchanges with Snowden, he said, arching his eyebrows, "That might work against amateurs, but it wouldn't stop the Russians if they thought they might have a defector in the NSA." He explained that both the NSA and hostile services have the "means" to bypass such safeguards.

I asked what the Russian intelligence service would have done if it had indeed spotted Snowden in late 2012 or early 2013. "Maybe

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just research him," he replied. As we know now, he pointed out, Russia and China probably had access to the 127-page standard form in his personnel file that he updated in 2011. They also had the capability to track his air travel to Hong Kong. "Could someone have steered him to Hong Kong?" I asked. He answered, with a shrug, "That depends on whether Snowden had a confidante who could have influenced him."

Whenever adversaries became aware of Snowden in this scenario, it was not until after he copied the NSA secrets and took them with him to Hong Kong that Russian intelligence officers offered him a deal. So from the Russian point of view, Snowden had already burned his bridges. Because he had used other people's passwords and access privileges to get into computers that he was not authorized to use, illegally moved documents, and given a false reason for his medical leave, it was only a matter of time, as he told Greenwald in his interview in Hong Kong, before NSA investigators would identify him as a possible spy. He could be of no further use at the NSA to an adversary. His intelligence value now lay in the documents he had taken with him or stored in the cloud as well as his ability to help clarify them in debriefing sessions. He could also inflict damage on the morale and public standing of the NSA by denouncing its spying in the media.

Once Snowden was in Hong Kong, the Russians would have no reason to restrain him from holding a press event or releasing a video. In fact, the KGB had organized press conferences for all the previous NSA defectors to Moscow. Hong Kong was a perfect venue for a well-staged media event because all the major newspapers in the world had bureaus there. Snowden's disclosures about NSA spying could serve to weaken the NSA's relations with its allies.

It is also possible that Russian or Chinese intelligence did not become aware of Snowden until after he went public in June by having *The Guardian* release his video. The video would have convinced the Russians or the Chinese of how dissatisfied Snowden was with the NSA. Because dissatisfaction is one of the classic means of recruitment in the intelligence business, he would certainly become a prime target for recruitment after he went public.

The CIA also considered the possibility that Snowden might

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have been reeled in unwittingly. Morell suggested in his book that Snowden might not himself have fully realized "when and how he would be used."

It can be safely assumed that the decision made by Putin's intelligence service to allow Snowden to travel to Russia proceeded from something other than softhearted sentiment about his welfare. After Putin learned that there was an American in Hong Kong from the "special services" seeking to come to Russia, he also learned from Snowden's own disclosure on the video released that Snowden had taken a large number of NSA documents to Hong Kong: indeed, some were shown on the video. After that self-outing by Snowden, Putin had plenty of time to calculate the advantages and disadvantages of allowing him to come to Moscow.

Putin could offer him not only freedom from arrest but also a platform to express his views. The exploitation of an intelligence defector, even after he yields his secrets, can be the final stage of a successful intelligence operation. The CIA considered one of its greatest coups of the Cold War its release of the espionage-acquired secret speech of Nikita Khrushchev to the Communist Party of the Soviet Union in 1956 exposing the transgressions of the previous regime of Joseph Stalin. Making public these deeds was meant by the CIA to sow discord both inside the Soviet Union and to disrupt its relations with its allies. General Alexander suggested that Putin might similarly be "looking to capitalize on the fact that [Snowden's] actions are enormously disruptive and damaging to US interests." This potential gain, if Alexander's assessment is correct, provided Putin with an additional reason to have his representatives in Hong Kong offer Snowden exfiltration.

Snowden was in no position to refuse. After the release of the video, there was no going back to America without his facing a determined criminal prosecution. He would have known that in almost every prior case intelligence workers who had intentionally released even a single classified document had gone to prison. As his Internet postings show, he had closely followed the ordeal of Bradley Manning, whose trial was coming to its conclusion while Snowden was in Hong Kong. Manning had been kept in solitary confinement

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under horrific conditions for over a year while awaiting his trial and was facing a long prison sentence. There was no reason for Snowden to expect a better outcome for himself if he returned to the United States or was arrested anywhere else that had an extradition treaty with the United States. As the Russian officials in Hong Kong would have informed him, Russia had no extradition treaty with the United States. It was also one of the few places in the world that he could reach from Hong Kong without flying through airspace in which he might be intercepted by a U.S. ally. Snowden was told he could take the direct Aeroflot flight to Moscow without a valid passport or visa.

That Snowden's alternative to going to Russia was going to prison gave the Russians considerable leverage in Hong Kong. The Russian "diplomats" could have used this leverage to extract a quid pro quo. The price of admission might have meant putting himself in the hands of Russian intelligence and telling it all he knew.

The Moscow Scenario

The final possibility is that Snowden did not come under Russian control until after he arrived in Moscow. After assessing the negative attitude that Snowden expressed toward government authority on the video that was released by *The Guardian*, the Russian "diplomats" in Hong Kong might have concluded that Snowden could bolt if too much pressure was exerted on him there. The Russians could afford to be patient. They knew that Interpol and the United States would be pursuing Snowden throughout the world and that he had no valid travel documents and that his credit cards had been frozen. They would likely know that Sarah Harrison had arranged his flight to Moscow on June 23. So they had no urgent need to apply pressure on him before his plane landed in Russia.

After the Russians took him in a "special operation" from the plane at the airport, he was informed by Russian authorities that he would not be allowed to go to Cuba, Venezuela, Iceland, Ecuador, or any other country without the permission of Russian officials, which would not be immediately forthcoming. He was now at the

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mercy of the Russian authorities. There was good reason for keeping him in a virtual prison in Russia. "He can compromise thousands of intelligence and military officials," Sergei Alexandrovich Markov, the co-chairman of the National Strategic Council of Russia and an adviser to Putin, pointed out. "We can't send him back just because America demands it."

So Snowden was consigned to the transit zone of the airport, which is a twilight zone neither inside nor outside Russia, a netherworld that extends beyond the confines of the airport to include safe houses and other facilities maintained by the FSB for the purposes of interrogation and security. Stranded at the Moscow airport, no matter what he had believed earlier in Hong Kong, Snowden would quickly realize that he had only one viable option: seeking protection in Russia.

Even though the FSB is known by U.S. intelligence to strictly control the movements and contacts of former members of foreign intelligence services in Russia, Snowden might not have realized the full extent of the FSB's interest in him. He naively told *The Washington Post* in December 2013, in Moscow, "I am still working for the NSA right now. They are the only ones who don't realize it." Whatever he might have been thinking, a former U.S. communications intelligence worker who stole American state secrets, such as Snowden, would be under the FSB's scrutiny.

Andrei Soldatov, the co-author of the 2010 book *The New Nobility: The Restoration of Russia's Security State and the Enduring Legacy of the KGB,* who was personally knowledgeable about FSB procedures, explained the FSB would monitor "every facet of Snowden's communications, and his life." General Oleg Kalugin, who, as previously mentioned, defected from the KGB to the United States in 1995, added that the FSB (following the standard operating procedures of the KGB) would be "his hosts and they are taking care of him." Kalugin further said in 2014, "Whatever he had access to in his former days at NSA, I believe he shared all of it with the Russians, and they are very grateful." This assessment was backed by Frants Klintsevich. As the first deputy chairman of the Kremlin's defense and security committee at the time of Snowden's defection, he was

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in a position to know Snowden's contribution. "Let's be frank," he said in a taped interview with NPR (in Russian), "Snowden did share intelligence. This is what security services do. If there's a possibility to get information, they will get it."

Even without Klintsevich's comments, top American intelligence officers had little doubt that the Russian security services would do their job. Michael Hayden, for example, who in succession headed three American intelligence services, was certainly in a position to appreciate the capabilities of the Russian and Chinese intelligence services. He told me in 2014 that he saw no other possibility than that Snowden would be induced to cooperate in this situation, saying, "I would lose all respect for the Russian and Chinese security services if they haven't fully exploited everything Snowden had to give." They certainly had that opportunity when Snowden spent almost six weeks at Sheremetyevo International Airport. The FSB controlled his access to food, lodgings, the Internet, and whatever else he needed to survive there. If he did not cooperate, the FSB could also return him to the United States, where in the eyes of the Department of Justice he had betrayed the United States by stealing secrets and taking them abroad. What recourse did Snowden have? In a word, the FSB held all the cards but one—Snowden's help with the stolen documents. Even if Snowden disliked the tactics of the Russian security services, he now had a powerful inducement not to decline the requests of the Russian authorities.

Two weeks after his arrival, the Russian authorities provided him with a convenient path to full cooperation with Russia. He was put in contact with Anatoly Grigorievich Kucherena, a silver-haired, fifty-two-year-old lawyer who is known to be a personal friend of Putin's. Kucherena did tasks for Putin's party in the Russian parliament, or Duma. He had excellent connections in the Russian security apparatus because he served on the oversight committee of the FSB. Kucherena offered to serve as Snowden's pro bono lawyer. On July 12, Snowden officially retained him as his legal representative in Moscow. In explaining the relationship, Kucherena said, "Officially, he is my client, but at the same time, I provide a number of other services to him." According to Kucherena, Snowden turned down

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all requests to meet with any representative of the U.S. embassy in Moscow. From that point on, he would act as Snowden's go-between with the FSB and other Russian agencies.

At the outset, Kucherena made it clear to Snowden that he would have to play by Moscow's rules before the Kremlin would grant him permission to stay in Russia. To begin with, Snowden had to withdraw any applications he had made elsewhere for asylum. He had to put his fate entirely in the hands of Putin's Russia. He would also have to be fully candid with the Russian authorities on what was of great value to Putin: the secret documents he had acquired.

Eighteen days later, Snowden received Russian identification papers that allowed him to resettle in Moscow. He was provided with a residence and allowed to set up a broadcasting studio in it that he could use for Internet appearances at well-attended events around the world, such as South by Southwest and TED. Snowden was, according to Kucherena, also furnished with bodyguards. To help earn his keep, he was said by Kucherena to be employed at an unidentified Moscow cyber-security firm. To complete his resettlement, Lindsay Mills, whom he had left behind in Hawaii, was given a three-month visa and was allowed to temporarily live with him in Moscow. This afforded him a lifestyle that Snowden described in an interview as "great."

It would strain credibility that such privileges would be awarded to an intelligence defector who had refused to cooperate with Russian authorities. In Snowden's case, he was even allowed to participate in Putin's telethon on state-controlled television. On it, he was called on to ask Putin if the Russian government violated the privacy of Russian citizens in the same way that the American government violated the rights of its citizens. Putin, smiling at Snowden's presumably vetted question, answered in a single word: "No."

In the Moscow scenario, the Russians acted to advance their interests. They gave Snowden sanctuary, support, perks, and high-level treatment because he agreed to cooperate with them. If Snowden had not paid this basic price of admission, either in Russia or before his arrival, he would not have been accorded this privileged status.

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CHAPTER 17

The Keys to the Kingdom Are Missing

> There's a zero percent chance the Russians or Chinese have received any documents.
>
> —EDWARD SNOWDEN, Moscow, 2013

A CRITICAL MISSING PIECE in the Snowden enigma is the whereabouts of the NSA documents. Greenwald told the Associated Press that the documents that Snowden had taken from the NSA constituted "the instruction manual for how the NSA is built" and that they "would allow somebody who read them to know exactly how the NSA does what it does, which would in turn allow them to evade that surveillance or replicate it." Snowden, for his part, said on camera in his Hong Kong interview in June 2013 that NSA investigators would have "a heart attack" when they discovered the extent of the breach.

Ledgett, the NSA official who had conducted the damage assessment, while not having a heart attack, confirmed that Snowden had taken a massive number of documents and among them was what he deemed the NSA's "keys to the kingdom." These keys could presumably open up the mechanism through which the United States learns about the secret activities of other nations and, by doing so, bring down the American signals intelligence system that had for

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sixty years monitored government communications. It had also kept track of adversaries' missile telemetry, submarine movements, and nuclear proliferation.

The Snowden breach was not without precedent at the NSA. There had been two Russian spies at the NSA during the Cold War, Jack Dunlap and David Sheldon Boone, who took a limited number of documents, but no one since the end of the Cold War is known to have taken a single NSA classified document. Now an insider had removed a vast number of the NSA's documents. Many of these documents were classified TS/SCI—"Top Secret, Sensitive Compartmented Information"—which, as NSA secrets went, were deemed the gold standard of espionage because they revealed the sources used in communications intelligence. Whatever the assessment of Snowden's motivation, the single question that needed to be answered was, what happened to these stolen files?

Recall the huge disparity between the number of documents that the NSA calculated that Snowden compromised and the number of documents he is known to have handed over to journalists in Hong Kong on a thumb drive. When the House and Senate Intelligence Committees asked the NSA how many documents Snowden took, the NSA could not come up with a definitive number despite having employed a world-class team of experts to reconstruct the crime. The NSA could say that 1.7 million documents had been selected in two dozen NSA computers during Snowden's brief tenure at Booz Allen in 2013, including documents from the Department of Defense, the NSA, and the CIA. Of these "touched" documents, some 1.3 million had been copied and moved to another computer.

There was evidence that Snowden had used preprogrammed spiders to find and index the documents. He had said that he took the job at Booz Allen to get access to data that he copied. So as far as the NSA was concerned, of course, the 1.3 million documents he copied and moved were considered compromised. On top of this haul, Snowden had copied files while working at Dell in 2012. As a system administrator there, he could download data without leaving a digital trail. As previously mentioned, more than half the documents actually published in newspapers had been taken during Snowden's time at Dell.

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Snowden's supporters do not accept that he stole such a large number of documents. According to Greenwald, the NSA vastly exaggerated the magnitude of the theft in order to "demonize" Snowden. Snowden also disputed the magnitude of the 1.7 million number. He told James Bamford of *Wired* in early 2014 that he took far fewer than the 1.7 million documents that the NSA reported were compromised. He offered, however, no more specific details on the magnitude of his theft. Nor did he offer Bamford any way to verify his assertion other than to say that he had purposely left behind "a trail of digital bread crumbs" at the NSA base in Hawaii so that the NSA could determine which documents he "touched" but did not download. A government official familiar with the investigation said no such "bread crumbs" were found by the NSA.

It is possible that the NSA Damage Assessment team under Ledgett falsified its findings or otherwise inflated the number of documents that Snowden stole. NSA executives might have also lied to Congress to exaggerate the loss. But why would these officials engage in an orchestrated deception that made them look bad? Exaggerating the magnitude of the theft would only magnify Ledgett and the NSA's failure in its mission to protect U.S. secrets.

Officials had no reason to demonize Snowden for legal reasons. He already had been. Greenwald and Poitras had already revealed that Snowden had given them a vast number of NSA classified documents on a thumb drive that revealed, as Greenwald put it, the "blueprints" of the NSA. This drive contained, it will be recalled, no fewer than 58,000 highly classified documents. In the eyes of the law, that constituted an unprecedented breach of the laws passed to protect communications intelligence. In any case, in Russia Snowden was not in any jeopardy, no matter how many documents he was said to have stolen. Interestingly, the thirty-five-page Defense Intelligence Agency's damage assessment reports that 900,000 Pentagon documents compromised by Snowden were *not* made public. That was only disclosed via a *Vice* magazine Freedom of Information request in June 2015.

Many of the putative 1.3 million documents that the NSA says were copied and moved were duplicate copies. Others were outdated or otherwise useless routing data. So the quantity does not tell the

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whole story. Of far more importance is the quality of some of the data that Snowden had copied. Just a single one of these documents could cripple not just the NSA but America's entire multibillion-dollar apparatus for intercepting foreign intelligence. The previously cited road map, which was thirty-one thousand pages long, listed critical gaps in U.S. coverage of China, Russia, and other adversaries, including those cited by President Obama's national security team. It was not found among the files on the thumb drive given to Poitras and Greenwald. Nor were most of the missing Level 3 lists concerning NSA activities in Russia and China found on the thumb drive, even though Snowden said he had taken his final job at Booz Allen to get access to these lists. If Snowden had not given these documents to Poitras, Greenwald, or other journalists, where were they?

The compartment logs showed that Snowden copied and transferred these Level 3 documents in his final week at the NSA. He presumably had them in his possession in Hong Kong when he arrived on May 20. On June 3, according to Greenwald, Snowden was still sorting through the documents to determine which ones were appropriate to give to journalists. On June 12, he told the reporter Lana Lam in Hong Kong that he was going through the documents, country by country, to determine which additional ones he should pass on to journalists. Eleven days later, he departed Hong Kong for Moscow carrying at least one laptop computer. After arriving in Moscow, he suggested he still had NSA secrets in his possession. "No intelligence service—not even our own—has the capacity to compromise the secrets I continue to protect," he wrote to the former senator Gordon Humphrey. "I cannot be coerced into revealing that information, even under torture." Much of the material he copied while working at Booz Allen remained, as far as the NSA could determine, missing. Had he brought these files under his "protection" to Russia?

An answer soon came from Snowden's Moscow lawyer. On September 23, Anatoly Kucherena was extensively interviewed on the RT channel in Russia. The interviewer, Sophie Shevardnadze, who had a show called *SophieCo*, was a well-admired journalist. She is the granddaughter of Eduard Shevardnadze, a former foreign minis-

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ter and Politburo member of the Soviet Union and, after the Soviet Union broke up, the first president of Georgia. Even though she had interviewed many top political figures in Russia, obtaining an hour-long interview with Kucherena was a coup because, until then, he had not discussed Snowden in a television interview.

About halfway through the interview, Shevardnadze brought up the highly sensitive subject of the disposition of the NSA documents. If anyone was in a position to know about these documents, it was Kucherena. He had acted as an intermediary for Snowden in his negotiations with Russian authorities, including the FSB. As such, he would be privy to the status of the secret material that was of interest to the Russian intelligence services. When I interviewed Kucherena in Moscow in 2015, he told me that "all the reports" concerning Snowden had been turned over to him by "Russian authorities" in July 2013. "I had all of Snowden's statements," he said. If so, he presumably knew what Snowden had told the Russian security services.

Had Snowden come to Russia with empty hands or bearing gifts? Shevardnadze directly asked Kucherena if Snowden had given all the documents he had taken from the NSA to journalists in Hong Kong. Kucherena answered her question without any evasion, saying that Snowden had only given "some" of the NSA's documents in his possession to journalists in Hong Kong. He had kept the remaining documents in his possession. That confirmed what Snowden had told Greenwald, Poitras, and Lam in Hong Kong. Snowden told them that he had divided the stolen NSA documents into two separate sets of documents. One set he gave to Poitras and Greenwald on thumb drives. The other set, which he told them he considered too sensitive for these journalists, he retained for himself. U.S. investigators at the NSA, the CIA, and the Department of Defense would like to know what Snowden did with the set of documents he had retained for himself and had not shared with the journalists in Hong Kong.

Shevardnadze, who makes it a point to drill her interviewees, pressed Kucherena as to whether Snowden still had these NSA files, or "material," in Russia. The dialogue went as follows (from the transcript supplied to me by Shevardnadze).

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SHEVARDNADZE: So he [Snowden] does have some materials that haven't been made public yet?

KUCHERENA: Certainly.

Shevardnadze asked the next logical question: "Why did Russia get involved in this whole thing if it got nothing out of it?"

"Snowden spent quite a few years working for the CIA. We haven't fully realized yet the importance of his revelations." Kucherena was on the FSB's public oversight board. He was clearly in the picture. Kucherena's answer was completely consistent with the statement Snowden made three weeks after arriving in Russia in his previously mentioned e-mail to Senator Humphrey.

It is certainly possible that Snowden transferred the NSA files from his own computers and thumb drives to storage on a remote server in the cloud before coming to Russia. The "cloud" is actually not in the sky but a term used for remote storage servers, such as those provided by Dropbox, Microsoft, Google, Amazon, and other Internet companies. Anyone who is connected to the Internet can store and retrieve files by entering a user name and a password.

For Kucherena to be certain Snowden had access to the so-far-unrevealed data, Snowden must have demonstrated his access either to him or to the authorities. The Russians obviously knew Snowden had the means to retrieve this data one way or the other. Because the data concerned electronic espionage against Russia, the FSB would have been keen to obtain the documents, and the FSB is not known to take no for an answer in issues involving espionage.

Even if Snowden refused to furnish his key encryption, according to a former National Security Council staffer, the Russian cyber service in 2013 had the means, the time, and the incentive to break the encryption. It is unlikely it would have had to go through the trouble. It doesn't take a great stretch of the imagination to conclude that, willingly or under duress, Snowden shared his access to his treasure trove of documents with the agencies that were literally in control of his life in Russia.

Kucherena's answer on the television program may also help to explain Putin's decision to allow Snowden to come to Moscow. It was not a minor sacrifice for Putin. His foreign minister, Sergei Lav-

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rov, had spent almost six months negotiating with Hillary Clinton's State Department a one-on-one summit between President Obama and President Putin. Not only would this summit be a diplomatic coup for Russia, but also it would add to Putin's personal credibility in advance of the Olympic Games in Russia. In mid-June, after U.S. intelligence reported to Obama's national security adviser that Snowden was in contact with Russian officials in Hong Kong, the State Department explicitly told Lavrov that allowing Snowden to defect to Russia would be viewed by President Obama as a blatantly unfriendly act. As such, it could (and did) lead to the cancellation of the planned summit. Putin knew the downside of admitting Snowden.

But if Snowden had a large archive of files containing the sources of the NSA's electronic interceptions, as Snowden claimed he had in Hong Kong, there was an enormous potential intelligence upside. Putin had to choose between the loss of an Obama summit and an intelligence coup. Would Putin have made the choice he did if Snowden had destroyed, or refused to share, the stolen data?

"No country, not even the United States, would grant sanctuary to an intelligence defector who refused to be cooperative," answered a former CIA officer who had spent a decade dealing with Russian intelligence defectors. "That's not how it works." If so, it seems plausible to believe that, as Kucherena said, the documents Snowden brought to Russia explain why Russia exfiltrated him from Hong Kong and provided him with a safe haven.

The Quickly Changing Narrative

Three weeks after Kucherena's appearance on Shevardnadze's show, on October 17, Snowden had his first interview exchange with a journalist since his arrival in Russia. It was over the Internet with James Risen of *The New York Times,* as noted earlier. Snowden now asserted a very different narrative. The subsequent front-page story, which carried the headline "Snowden Says He Took No Secret Files to Russia," reported that Snowden claimed he gave all his documents to journalists in Hong Kong and brought none of them to Russia. He

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also said that he was "100 percent" certain that no foreign intelligence service had had access to them at any point during his journey from Honolulu to Moscow. When I later asked Kucherena in Moscow why Snowden changed his story in direct contradiction of what Kucherena had stated, he said, "Wizner."

He was referring to Ben Wizner, Snowden's ACLU lawyer in Washington, D.C. Wizner had joined the ACLU in August 2001 after graduating from NYU Law School and clerking for a federal judge. At the ACLU, he became an effective foe of NSA surveillance. "I had spent ten years before this [Snowden leak] trying to bring lawsuits against the intelligence community," he explained in an interview with *Forbes* in 2014. Prior to the Snowden leak, he had frequently been consulted by Poitras on government surveillance issues (and appeared in Poitras's 2010 documentary, *The Oath*). He had also been engaged in a lawsuit aimed at exposing the NSA's subpoenas for Verizon records.

He had first learned about Snowden from Poitras in January 2013 while Snowden was still working for Dell at the NSA base in Hawaii. At that time, Poitras did not know Snowden's real name, but she informed Wizner that she was in touch with a person identifying himself as a senior officer in U.S. intelligence. (Poitras did not know at that time that her source, Snowden, was lying to her about his position.) Wizner also was shown e-mails by Poitras in which Snowden said he had information about the government's secret domestic surveillance program. Wizner, according to Poitras, advised her to stay in touch with this source.

On July 13, 2013, after Snowden asked for asylum in Russia, Kucherena arranged an encrypted chat between Snowden and Wizner. According to Wizner, Snowden asked him at the outset, "Do you have standing now?" It was a question that suggested that Snowden was aware that the ACLU needed to gain standing in federal court to challenge the government's alleged domestic surveillance. Up until now, it was unsuccessful because it had no way to show it was a victim of surveillance. The FISA order to Verizon, which Snowden had taken had provided that standing to Wizner and the ACLU.

Aside from the opportunity Snowden offered the ACLU, Wizner no doubt believed in the salutary benefit of Snowden's revela-

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tions. When they discussed Snowden's legal situation in America, Snowden expressed an interest in obtaining some form of amnesty from prosecution. Wizner was willing to attempt to explore making a possible deal with the Department of Justice, but it would not be an easy task, especially if Snowden had turned over NSA documents to a foreign power.

Even to argue that Snowden was merely an NSA whistle-blower presented a serious challenge for Wizner. The ACLU had been involved with previous NSA whistle-blowers, but Snowden's case differed from those cases in important ways. Those whistle-blowers had not intentionally taken any NSA documents. Snowden, on the other hand, had not only taken a large number of NSA documents but also released tens of thousands of these top secret files to journalists based in Germany and Brazil, as well as to other unauthorized recipients. In addition, the Whistleblower Protection Act, passed by Congress in 1989, does not exempt an insider, such as Snowden, who signs a secrecy oath from the legal consequences of disclosing classified documents to journalists or other unauthorized people. Consequently, getting some form of amnesty for Snowden required bolstering his image as a person taking personal risks to fight for America. But if Snowden had taken even a single top secret document to Russia, it would strengthen the case in the court of public opinion that he had stolen communications intelligence secrets with the intent to damage the United States, which under the provisions of federal law could be considered espionage. In this regard, Kucherena's disclosure was extremely damaging to Snowden's position, and Snowden had, after all, already found refuge in Russia. Snowden had two options, according to Wizner, the "first is to be where he is in Russia. And the second is to be in a maximum security prison cell, cut off from the world." These, of course, would be the options of any espionage defector who fled to Russia.

One way to mitigate the damage was for Snowden to substitute a new narrative. Wizner took it upon himself to screen potential journalists and other outlets for Snowden. He told a reporter for *The New York Times* that, except for Oliver Stone, all individuals who have "met with Snowden have just gone through me, and we've hooked it up." Nor did he limit his extraordinary control to

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interviews. In the case of Stone's movie *Snowden,* Wizner asked for the right to veto any shots featuring Snowden in the film. In it, he would tell handpicked journalists that he had given all his documents to Poitras and Greenwald in Hong Kong and took none of them to Russia. Wizner could then argue that documents such as the FISA court order were improperly classified secret and that disclosing them served the public good. The government might not be able to contest his claim without further revealing NSA sources. Under these circumstances, it might be induced to agree to a plea bargain for Snowden. Changing the narrative would also help enhance his public image as a whistle-blower.

Snowden's new narrative that he had destroyed all the documents he had in his possession before coming to Moscow and had no access to any NSA documents, not even those that he had distributed to journalists, was reinforced in a series of interviews that Wizner helped arrange. "I went the first six months without giving an interview," Snowden later said. "It wasn't until December 2013 that I gave my first interview to Barton Gellman." (Snowden did not count his Internet exchange with Risen in October as an "interview".)

In late December 2013, Snowden met with Barton Gellman. It was his first face-to-face meeting with a journalist since he had arrived in Russia in June. Snowden turned his laptop toward Gellman and, as if proving his point, said to him, "There's nothing on it. . . . My hard drive is completely blank." That his computer had no files stored on it at that moment of course meant very little. Just six weeks earlier, Snowden had met with the former CIA officer Ray McGovern, who had been invited to meet him in Moscow along with three other American whistle-blowers. At that meeting, he told McGovern that he had stored all the NSA data he had taken on external hard drives. Gellman asked about the precise whereabouts of the files, but, as he reported, Snowden declined to answer that question. He would only say that he was "confident he did not expose them to Chinese intelligence in Hong Kong." That answer did not nail down the issue, so Wizner arranged for *Vanity Fair,* which was preparing an article on Snowden, to submit questions. In his reply to them, Snowden wrote that he destroyed all his files in Hong Kong because he didn't

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want to risk bringing them to Russia. He expanded on this claim in three more interviews. These interviews were all with three journalists who had opposed NSA surveillance: James Bamford, writing for *Wired* magazine; Alan Rusbridger, the editor of *The Guardian;* and Katrina vanden Heuvel, the editor of *The Nation.* He also gave a televised interview to Brian Williams of NBC News in which he explained that because he had no access to the NSA documents in Russia, he could not provide access to the Russians even if they "break my fingers."

Snowden did not specify where, when, or how the putative destruction of the files occurred and offered neither witnesses nor evidence, other than the meaningless blank laptop screen, to corroborate it. Still his new self-serving narrative was widely accepted by the media. The fact remains, though, that Snowden went to considerable risk to select, copy, and steal Level 3 documents before leaving Hawaii for Hong Kong. These secrets were his last potential bargaining chips. Why would he have destroyed them in June in Hong Kong?

It is also difficult for me to accept that Snowden would destroy these documents because he feared the Russians might get them. If he was so concerned about the possibility, he could have stayed in Hong Kong and fought extradition instead of flying to Russia. Surely he must have realized that even without the files on his computer, the Russian intelligence service could still obtain the NSA secrets he held in his head. Indeed, as he told the *Times,* the secrets he held in his head would have devastating consequences for NSA operations.

In light of Kucherena's statement that in Russia Snowden had access to NSA documents, it would require a serious suspension of disbelief to accept Snowden's new narrative. Even if one were willing to accept his new claim, it still would not mean that the NSA documents had not fallen into the hands of adversaries. If he had destroyed all of the electronic copies of the NSA's data before boarding his flight to Moscow, he still couldn't be "100 percent" certain, as he claimed, that the data had not been accessed by others prior to his departure from Hong Kong. His files could have been copied with-

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out his knowledge, just as he had copied them without the NSA's knowledge. As former U.S. intelligence officers pointed out to me, adversary services could not be expected to shirk from employing their full capabilities once they learned that an American "agent of special services," as Putin called him, had brought stolen NSA documents to Hong Kong.

The *Times* reported from Hong Kong that two sources, both of whom worked for major government intelligence agencies, "said they believed that the Chinese government had managed to drain the contents" of the laptop that Snowden brought to Hong Kong. That China had the capability to obtain Snowden's data was also the view of the former CIA deputy director Morell. He said, "Both the Chinese and the Russians would have used everything in their tool kit—from human approaches to technical attacks—to get at Snowden's stolen data."

Snowden would not have been a particularly difficult target for them, especially after he started disclosing secrets to journalists at the Mira hotel. Not only could the Chinese service approach the security staff at the Mira, but they could track him after he left the hotel and moved, along with his computers, in and out of several residences arranged by his carer. Snowden, after all, had put himself in the hands of people whom he had never met before, including three Hong Kong lawyers, a carer, and three *Guardian* journalists. It is likely that the efforts of these adversary intelligence services to find him, and the NSA data, would further intensify after Snowden revealed to the *South China Morning Post* on June 12 that he had access to NSA lists of computers in China and elsewhere that the NSA had penetrated.

It wouldn't be only the Chinese service on his trail. The Russian intelligence service would also likely be tasked to acquire these NSA documents after Snowden's meeting with Russian officials in Hong Kong. And while he could get away with giving coy and elusive answers to journalists who asked him about the whereabouts of the NSA data, the Russian and Chinese officials in Hong Kong who could offer him an escape route from prison would likely demand more specific answers about the whereabouts of data they had not already obtained by technical means.

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The Post–Hong Kong Documents

The NSA concern about who had access to its missing files deepened further when NSA documents continued to surface in the press *after* Snowden went to Moscow. If U.S. intelligence needed any further evidence that someone had access to the documents, these additional revelations provided it.

The most sensational of them was a purported document attributed to Snowden concerning the NSA hacking of the cell phone of the German chancellor, Angela Merkel. The story was published on October 23 on the *Der Spiegel* website. Appelbaum was the co-author of the story. Even though Snowden had by now been in Russia for four months, he was cited in the story, along with unnamed "others," as the source for the NSA document. Snowden did not deny it. Indeed, he took a measure of credit for the revelation, saying on German TV, "What I can say is we know Angela Merkel was monitored by the National Security Agency." If Snowden had been involved in the release of this document, it would be consistent with Kucherena's assertion that he had access to the archive.

Adding to the intrigue, Poitras was apparently caught by surprise when the Merkel story broke in *Der Spiegel*. She urgently texted Snowden on what she called "background" (which ordinarily means that a journalist will not attribute information to a source). She asked him in the text to explain the NSA's actions. Snowden explained to her that Merkel was listed by her true name (and not by a code name) in the NSA document because the German chancellor was an NSA "target not an asset." Presumably, Poitras would have already known that distinction if she had the document referred to in *Der Spiegel*. If the Merkel document was not among the data given to Poitras in Hong Kong, how did it get to the authors of the *Der Spiegel* article?

Appelbaum, of course, had been in contact with Snowden before he went public. He had served as Poitras's co-interrogator of Snowden while he was still working at the NSA in May 2013. Appelbaum was also one of the leading supporters of WikiLeaks. Because he was famously an advocate of revealing government secrets, it seems unlikely that he would have delayed releasing such a bombshell about Merkel's phone if Snowden had given him this document

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before he left Hong Kong in June 2013. Why would Appelbaum keep it secret for more than four months? The same pressure to publish would also apply to the journalists Snowden had dealt with in Hong Kong. If Snowden had given Poitras, Greenwald, Lam, or MacAskill the Merkel document, or even told them about it in their interviews with him in Hong Kong, *The Guardian* would have certainly rushed out such a scoop.

According to a source with knowledge of the Snowden investigation, there was no document referencing any spying on Merkel's phone among the fifty-eight thousand documents on the thumb drive that Snowden had given to Poitras and Greenwald in Hong Kong. That absence would explain why Poitras had to send a text to Snowden in Moscow to ask for an explanation after the story broke.

Further confirmation of the absence of this document in the material Snowden provided journalists in Hong Kong comes from James Bamford, a well-respected expert on the NSA. In the course of researching his 2014 article on Snowden for *Wired*, he was given access to all the documents Snowden gave to Poitras, Greenwald, and Gellman. Bamford used a sophisticated indexing program to search through the database specifically for the Merkel material. He did not find any. He reported that no document given to journalists in Hong Kong even mentioned Merkel. It therefore appeared that the Merkel document was provided to *Der Spiegel* after Snowden went to Moscow. If so, some party had access to NSA documents after Snowden arrived in Russia and provided the *Der Spiegel* authors with the scoop. In that context, it might not have been a pure coincidence that Kucherena disclosed that Snowden had access to documents that he had not given to journalists in Hong Kong shortly before just such a document was published in Germany.

Bamford explored the possibility that there might be another person in the NSA who was stealing documents. He wrote to Poitras and asked her whether the Merkel document could have come from another person in the NSA. She declined, via a letter from her lawyer, to answer that question. But because she had not been the author of the *Der Spiegel* article, and had not been given the document, there is no reason to believe that she would know its provenance.

Documents continued to emerge years after Snowden arrived in

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Moscow that were more embarrassing to America. In June 2015, the WikiLeaks website released another putative Snowden document, two years after he had supposedly wiped his computer clean in Hong Kong. It revealed that the NSA had targeted the telephones of three consecutive presidents of France—Jacques Chirac, Nicolas Sarkozy, and François Hollande.

According to a former NSA official, this document, like the 2013 Merkel material, was not among the data on the thumb drive given to journalists in Hong Kong, which Greenwald confirmed. Greenwald suggested to *The New York Times* that it might have been stolen by another penetration in the NSA, presumably one who had access to the same secret compartments as Snowden in 2013. Since Greenwald and Poitras had no way of knowing about the documents that Snowden did *not* give them, it is equally possible that the Russian intelligence services obtained this document from Snowden and later gave it to WikiLeaks. The release on Assange's WikiLeaks site came in the midst of NATO war games held near the Russian border, which Putin had vehemently denounced. The accompanying article was co-authored by Assange, who now claimed to have access to Snowden's NSA material. Because Assange had been in telephonic contact with Snowden in Hong Kong, and his deputy, Sarah Harrison, had spent five months in Moscow with Snowden in 2013, it is certainly possible Snowden was his source. But it seems difficult to believe that Assange waited two years before publishing because he has made it part of his modus operandi to publish documents immediately. Because WikiLeaks receives documents anonymously via its Tor software, any party with access to the Snowden files could have sent it. Subsequently, in July 2016, Assange released via WikiLeaks a cache of politically disruptive documents from the files of the Democratic National Committee. U.S. intelligence strongly suspected they been stolen by the Russian intelligence services and sent to WikiLeaks. If so, Russia made use of Assange and WikiLeaks to exploit selected fruits of its espionage activities

Greenwald and Poitras also released belated documents. On July 15, 2015, their web publication, *The Intercept*, released a Snowden document that cited an NSA intercept of an Israeli military communication concerning an Israeli raid in Syria on August 1,

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2008. It revealed that a group of Israeli commandos killed General Muhammad Suleiman, a top aide to President Bashar al-Assad who had been working with North Korea to build a nuclear facility in Syria. Israel had destroyed that facility in Operation Orchard nearly a year earlier. Whatever the purpose of this new release of an NSA document (which had little if anything to do with any of the NSA's own operations), it was not among the data that Snowden had given Poitras and Greenwald in Hong Kong in 2013, according to a source with access to the investigation. Next, on January 28, 2016, *The Intercept* published data taken from a GHCQ (the British cipher service) file furnished by Snowden revealing military intelligence activities abroad. Specifically, it disclosed that the United States and Britain were intercepting data from Israel's military drones in 2008. British intelligence had determined in 2013 that the material sent to Greenwald via a courier did not contain such GCHQ documents. If that is the case, then Poitras and Greenwald, like Appelbaum and Assange, were still receiving NSA documents that Snowden had allegedly stolen a long time after he went to Russia and claimed he had destroyed all his files.

The NSA reportedly determined that these belated documents, most of which concerned American allies in Germany, France, and Israel, had been among the material copied during the Snowden breach. They provided further reason to believe that someone still had access to the documents that were not distributed to journalists in Hong Kong. Kucherena's disclosure, just before the first post–Hong Kong release, that Snowden still had access to the NSA files made it appear plausible that Snowden sent these documents to *Der Spiegel, WikiLeaks,* and *The Intercept.*

A former high-ranking KGB officer I interviewed had a very different view. He told me that in his experience an intelligence defector to Russia would not be allowed to distribute secret material to journalists without explicit approval by the security service tending him. He added that this injunction would be especially true in the case of Snowden because Putin had publicly enjoined him from releasing U.S. intelligence data. The more plausible alternative was that this material was released at the behest of the Russian intelligence service.

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The mystery of the post–Hong Kong documents also intrigued members of the U.S. intelligence community with whom I discussed it. When I asked a former intelligence executive about the ultimate source for the Merkel story, he responded, "If Snowden didn't give journalists this document in Hong Kong, we can assume an intermediary fed it to Appelbaum to publish in *Der Spiegel*." According to him, the NSA investigation had determined that Snowden indeed had copied an NSA list of the cell phone numbers of foreign leaders, including the number of Merkel. This list became the basis of the *Der Spiegel* story.

It was also clear that Snowden gave credence to the release in Moscow. He made a major point about the hacking of Merkel's phone in an interview with *Wired* in 2014. Just about two weeks before the leak, Kucherena said Snowden still had access to the documents. Clearly, *someone* had access. But whoever was behind it, the release of information about the alleged bugging of Merkel's phone resulted in badly fraying U.S. relations with Germany in the midst of developing troubles in Ukraine. As it later turned out, according to the investigation of the German federal prosecutor, which concluded in 2015, there was no evidence found in this document, or elsewhere, that Merkel's calls were ever actually intercepted. Although they revealed little if anything that the intelligence services of Germany, France, and Israel were not already aware of, they raised a public outcry in allies against NSA surveillance, and the outcry became the event itself.

While these post–Hong Kong documents had little if any intelligence value, they provided further evidence that at least part of the stolen NSA documents was in the hands of a party hostile to the United States. If so, it wasn't much of a leap to assume that this party also had access to the far more valuable Level 3 documents revealing the NSA's sources and methods, such as the one that Ledgett had described as a "roadmap" to U.S. electronic espionage against Russia and China.

Within the intelligence community, this concern was heightened by new countermeasures to this espionage employed by Russia and China after Snowden reached Moscow. For example, there were indications that the NSA had lost part of its capabilities to follow

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Russian troop movements in the Crimea and eastern Ukraine. U.S. intelligence officials even went so far as to suggest, according to a report in *The Wall Street Journal*, that "Russian planners might have gotten a jump on the West by evading U.S. eavesdropping."

Britain also discovered that some of its secret operations had been compromised after Snowden went to Moscow. According to a 2015 story in the *Sunday Times* of London, British intelligence had determined that Britain's intelligence-gathering sources had been exposed to adversary services by documents that Snowden had stolen from the NSA in 2013. These documents had been provided to the NSA by the GCHQ. Unless such intelligence disasters were freak aberrations, it appeared to confirm General Alexander's warning in 2014 that the NSA was "losing some of its capabilities, because they're being disclosed to our adversaries."

Snowden's supporters disputed this view. If only as an act of faith in Snowden's personal integrity, they continued to believe his avowal to Senator Humphrey that he had acted to protect U.S. secrets by shielding them from adversary intelligence services after he took them abroad. They also continued to take him at his word when he said he had destroyed all the NSA documents before going to Russia. Despite such protestations of patriotic loyalty, U.S. intelligence officials could not so easily dismiss the possibility that the missing documents still existed. After all, a U.S. intelligence worker who is dedicated to protecting America's secrets from its adversaries does not ordinarily steal them.

The NSA, the CIA, and the Department of Defense therefore had little choice but to assume the worst had happened: Russia and China had obtained access to the "keys to the kingdom." Whatever the extent of the actual damage, it was up to Alexander's replacement, Admiral Michael Rogers, both to restore morale and to rebuild the capabilities of America's electronic intelligence in the wake of the massive breach. According to a national security staff member in the Obama White House, that job would take more than a decade. The NSA had failed to protect vital assets. This intelligence failure did not happen out of the blue.

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CHAPTER 18

The Unheeded Warning

> The NSA—the world's most capable signals intelligence organization, an agency immensely skilled in stealing digital data—had had its pockets thoroughly picked.
>
> —CIA DEPUTY DIRECTOR MICHAEL MORELL, 2015

IN APRIL 2010, the CIA received a stark reminder of the ongoing nature of Russian espionage. It came in the form of a message from one of its best-placed moles in the Russian intelligence service. This surreptitious source was Alexander Poteyev, a fifty-four-year-old colonel in the SVR, which was the successor agency to the first chief directorate of the KGB. While the FSB took over the KGB's domestic role in 1991, the SVR became Russia's foreign intelligence service. Its operation center was in the Yasenevo district of Moscow. The CIA had recruited Poteyev as a mole in the 1990s when he had been stationed at the Russian embassy in Washington, D.C. That it could sustain a mole in Moscow for over a decade attested to its capabilities in the espionage business. After he returned to Moscow, still secretly on the CIA's payroll, he became the deputy chief of the SVR's "American" section. This unit of Russian intelligence had the primary responsibility for establishing spies in the CIA, the FBI, the NSA, and other American intelligence agencies.

The SVR's last known (or caught) mole in U.S. intelligence was

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the CIA officer Harold Nicholson, in 1996. Before it could expand its espionage capabilities, it needed to build a network of Russian agents in the United States. For this network, it needed to groom so-called illegals, or agents who were not connected to the Russian embassy. This so-called illegals network was necessary because presumably all Russian diplomats, including the so-called legal members of Russian intelligence, were under constant surveillance by the FBI.

Advances in surveillance technology in the twenty-first century made it increasingly difficult to communicate with recruits through its diplomatic missions. To evade it, the "American" division of the SVR was given the task of placing individuals in the United States disguised as ordinary Americans. Their "legend," or operational cover, could be thin because they would not be applying for jobs in the government. Their job was simply to blend in with their community until they were called upon by the "American" department in Moscow to service a mole who had been planted in U.S. intelligence or other parts of the U.S. government. Until they were activated by such a call, they were classified as sleeper agents. Unlike the SVR's "legal" officers, who were attached to Russian embassies as diplomats and were protected from arrest by the Treaty of Vienna, the SVR's illegal agents lack diplomatic immunity. According to Pavel Sudoplatov, who defected from the KGB in the Cold War, the sole job of such sleeper agents was to "live under cover in the West awaiting assignments for the Center." One assignment that justifies the expense of maintaining such agents is to service a penetration, after one is made, in the U.S. intelligence establishment. While waiting to be activated for such a job, sleeper agents were instructed to build every detail of their cover identity so as to perfectly blend in with Americans.

To build this American network of sleeper agents took the better part of a decade. In 2005, the SVR's "American" section in Moscow had begun methodically installing them in the United States. Almost all were Russian citizens who had assumed new identities to better blend into their communities.

The CIA learned of this sleeper program through Poteyev soon after it began. The issue was how to exploit this knowledge. When I was writing my book on international deception, James Jesus Angle-

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ton had pointed out to me that "the business of intelligence services requires understanding precisely the relationship of their opposition to them." His view, though his opponents inside the CIA would call it with some justification an obsession, was that an intelligence service had to focus on the moves of its rivals. To accomplish this "business" in the first decade of the twenty-first century, the CIA had to establish why its new opposition, the SVR, was laying the foundation for an espionage operation. What were its priorities in the resumption of the intelligence war? Its inside man in the SVR, Poteyev, provided it with a tremendous advantage in this relationship. He knew the links in a sleeper network that the SVR believed was safely hidden from surveillance. If they were followed, when they were activated, they could expose whatever recruits the SVR had in the American government. The CIA duly shared this information about the sleeper ring with the FBI, which had the responsibility for the surveillance of foreign agents in the United States. The FBI, for its part, kept the Russian sleeper agents under tight surveillance—an operation that grew in complexity and expense as more SVR agents arrived in the United States.

Meanwhile, in Moscow, Poteyev was following the unfolding operation. Part of his SVR job was to continue preparing these "Americans," as they were called by the SVR, for their assignments. Some had been sent as couples, others as singles. One of the singles that Poteyev personally handled was Anna Kushchyenko. She was a strikingly beautiful Russian student who changed her name to Anna Chapman by briefly marrying a British citizen she met at a rave party. After taking his name, she left him. After completing her training in Russia, she was sent by the SVR to New York City to establish herself as an international real estate specialist. Other "Americans" under Poteyev's watch became travel agents, students, and financial advisers. In all, Poteyev identified to the CIA twelve such sleeper agents. The cost of FBI surveillance of them over the years became sizable. According to a former FBI agent, around-the-clock surveillance on the movements and communications of a single individual can cost over $10,000 a day.

When the CIA received Poteyev's message in 2010 warning that Russian military intelligence had asked the SVR to activate some of

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its sleeper agents for a highly sensitive assignment, that suggested Russian intelligence had found a possible source who could supply it with valuable information. According to a former CIA intelligence official who later became involved in the case, the assignment involved preparing these agents to service a potential source in the NSA at Fort Meade, Maryland. If true, it suggested that Russian intelligence either had found or was working on a means of penetrating the NSA.

In 2010, the NSA division that handled such security and espionage threats reportedly initiated a counterespionage probe at the NSA's Fort Meade headquarters. According to a former NSA official, "They [were] looking for one or more Russian spies that NSA [was] convinced resided at Fort Meade and possibly other DoD Intel offices, like DIA." Because the NSA's cryptological service had in 2010 thirty-five thousand military and civilian contractor employees, the search for a possible leak was no easy matter. According to a subsequent note in the NSA's secret budget report to Congress, it would require "a minimum of 4,000 periodic investigations of employees in position to compromise sensitive information" to safely guard against "insider threats by trusted insiders who seek to exploit their authorized access to sensitive information to harm U.S. interests." According to a former executive in the intelligence community, that amount of investigation far exceeded the budgetary capabilities of the NSA. So while the investigation found no evidence of SVR recruitment, it remained possible that Russian intelligence had found a candidate in the NSA.

Meanwhile, in June 2010, to preempt such a leak in U.S. intelligence and avoid any potential embarrassment that could result, the FBI decided it could no longer engage in this sort of an intelligence game with the sleeper network. It arrested all twelve sleeper agents identified by Poteyev. After receiving a great deal of public attention (which led to their inspiring the FX series *The Americans*), the sleeper agents were deported to Russia. This move had both advantages and disadvantages. The main advantage was that it severed any communication link between the putative person of interest in the NSA and Russian intelligence via the sleeper agents. The main disadvantage was that it eliminated the possibility that FBI surveillance

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of the illegals might lead the FBI to a possible recruit in the NSA or elsewhere.

The preemptive arrests also had an unforeseen consequence. They resulted in accidently compromising Poteyev. When Chapman returned to Moscow after a spy exchange, she was taken to a well-publicized dinner with Putin. Afterward, she informed her debriefer at the SVR that only Poteyev had been in a position to know the password that an FBI agent had used to try to deceive her into believing she was speaking to an SVR officer. This brought Poteyev under immediate suspicion. Tipped off by the CIA to the FBI's error, Poteyev managed to escape by taking a train from Moscow to Belarus, where the CIA exfiltrated him to the United States. Poteyev had been saved from prison—or worse—but he was no longer useful to the CIA as a mole. Without the services of Poteyev in the SVR in Moscow, U.S. intelligence was unable to find out further details about the mission to which Poteyev's sleeper agents were to be assigned. All it had discovered was the history of the preparations for a major espionage revival. It now knew that the SVR had installed plumbing in America and that one or more agents in this network had been activated to handle a possible recruit in the NSA. But without anyone left in the sleeper network to follow and without an inside source in the SVR, it had no further avenues to fruitfully pursue. The revelation of the sleeper agents had little if any other intelligence value.

The NSA's own security investigation turned up no evidence of a leak at Fort Meade in 2010. That of course doesn't mean there hadn't been one. The Russian intelligence service had demonstrated in the past that it was well schooled in covering its tracks in operations against U.S. communications intelligence. For example, CIA counterintelligence had learned from a KGB defector in the early 1960s that Russian intelligence had penetrated the cipher room at the U.S. embassy in Moscow and, because of this operation, the KGB was able to decipher crucial communications. Even so, it failed to find either the perpetrator or any evidence of his existence for more than half a century. The operation was only definitively revealed by the Russian spymaster Sergey Kondrashev in 2007. Tennent Bagley, who headed the CIA's Soviet bloc counterintelligence at the time, lately

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wrote in his book that the ability of Russian intelligence to conceal this penetration for more than half a century "broke the record for secret keeping."

This Russian ability to penetrate U.S. intelligence was not entirely defeated by America's implementation of more sophisticated security procedures, such as the polygraph examination and extensive background checks. In 1995, eleven years before Snowden joined it, the CIA's inspector general completed a study of the KGB's use of false defectors to mislead the U.S. government from the end of the Cold War in the late 1980s through the mid-1990s. It found Russia had dispatched at least half a dozen double agents who provided misleading information to their CIA case officers.

Because the KGB operation went undetected for nearly a decade, the disinformation prepared in Moscow had been incorporated into reports (which had a distinctive blue stripe to signify their importance) that had been provided to Ronald Reagan, George H. W. Bush, and Bill Clinton. Even more shocking, in tracing the path of this disinformation, the inspector general found that the "senior CIA officers responsible for these reports had known that some of their sources for this information were controlled by Russian intelligence," yet they did not inform the president and officials receiving the blue-striped reports that they included Russian misinformation. What the CIA director John Deutch called "an inexcusable lapse" also reflected a form of institutional willful blindness in U.S. intelligence, borne out of a bureaucratic fear of career embarrassment so well described in Le Carré's spy novels. Detecting intelligence failures has, if anything, become even more difficult in the age of the anonymous Internet.

The Snowden breach demonstrated the NSA had few if any fail-safe defenses against would-be leakers of communications intelligence. In the new domain of cyber warfare, conventional defensive rules do not apply. "There are no rivers or hills up here. It's all flat. All advantage goes to the attacker," General Hayden said in an interview in 2015 with the publisher of *The Wall Street Journal*. His point was that because there are no defensive positions, the United States in cyber warfare must rely on an aggressive offensive. If fully successful, such an offensive would so deeply penetrate the defenses of

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an adversary's intelligence organization that it could not mount any of its own surprise cyber attacks. It would also make it difficult if not impossible for adversary services to recruit a spy in the NSA. For example, the CIA penetration of the SVR in 2010 prevented it from using its sleeper network against U.S. targets. "The best defense in this game may be an overwhelming offensive," a former intelligence official said to me. "But that strategy only works if we can keep secret sensitive sources."

Central to this offensive strategy was the NSA's National Threat Operations Center in Oahu. It employed threat analysts to surreptitiously monitor the secret activities of potential enemies, mainly China, Russia, and North Korea. A large part of their job was to make transparent to the United States the hostile activities of the Russian and Chinese services so that they posed little if any intelligence threat to America. This strategy worked so long as the NSA guarded itself, but it also raised the issue, as the Roman Juvenal famously warned, "Quis custodiet ipsos custodes?" (Who will guard the guards themselves?)

Less than three years after the NSA had received the Poteyev warning, instead of guarding secrets, Snowden stole them. Despite all the measures the NSA had taken to protect its vital secrets, a lowly civilian employee had walked away with the lists of secret NSA sources in China and Russia and then gone first to China and then to Russia. In the hands of their intelligence services, these stolen lists had the potential to totally upend the NSA's offensive strategy. Because Russia and China have an intelligence treaty for sharing such spoils between them when it is to their mutual advantage, it had to be assumed that if either country had acquired the secrets from Snowden, they would be shared between them, altering the balance of power between the communications intelligence services of the United States and its adversaries.

Following the Snowden breach, both China and Russia had immense successes in breaking through the defenses of U.S. government networks, including the reported breaches in 2014 and 2015 of U.S. personnel files and background checks. When I asked General Hayden in June 2015 if these successes were made easier by those documents compromised by Snowden, he replied, "Even though I

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cannot make a direct correlation here, unarguably our adversaries know far more about how we collect signals intelligence than they ever did before [Snowden]."

If Snowden could cause such massive damage, so could other civilian trainees at the NSA. Someone in the chain of command had to take responsibility. General Alexander tendered his resignation on June 30, 2013. "I'm the director," he said, falling on his sword. "Ultimately, I'm accountable." Because President Obama did not want the head of the NSA resigning in the midst of the Snowden crisis, he asked him to stay on for another six months. He then appointed Rogers to be his replacement. Meanwhile, it had become undeniably clear to the review committee appointed by President Obama in 2013 that the NSA's own defenses had catastrophically failed. If so, this change was the equivalent of rearranging the deck chairs on the *Titanic* after it hit the iceberg.

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PART THREE

THE GAME OF NATIONS

I learned that just beneath the surface there's another world, and still different worlds as you dig deeper.

—DAVID LYNCH, on his 1986 film, *Blue Velvet*

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CHAPTER 19

The Rise of the NSA

> There are many things we do in intelligence that, if revealed, would have the potential for all kinds of blowback.
>
> —JAMES CLAPPER, director of national intelligence, 2013

IN THE GAME OF NATIONS, which often is not visible to public scrutiny, the great prize is state secrets that reveal the hidden weaknesses of a nation's potential adversaries. The most important of these in peacetime is communication intercepts. It was just such state secrets that Edward Snowden took from the NSA in the spring of 2013. Before that breach, America's paramount advantage in this subterranean competition was its undisputed dominance in the business of obtaining and deciphering the communications of other nations. The NSA was the instrument by which the United States both protected its own secret communications and stole the secrets of foreign nations. The NSA, however, has an Achilles's heel: It is dependent on civilian computer technicians who do not necessarily share its values to operate its complex system. Because of this dependence, it was not able in 2013, as it turned out, to protect its crucial sources and methods.

Snowden exposed this vulnerability when he walked away with the aforementioned descriptions of the gaps in America's coverage

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of the communications of its adversaries. Even though the Cold War had been declared over after the collapse of the Soviet Union a quarter of a century earlier, the age-old enterprise of espionage did not end with it. Russia and China still sought to blunt the edge that the NSA gave the United States. The Snowden breach therefore needs to be considered in the context of the once and future intelligence war.

The modern enterprise of reading the communications of other nations traces back in the United States to military code-breaking efforts preceding America's entry into World War I. The invention of the radio at the end of the nineteenth century soon provided the means of rapidly sending and getting messages from ships, submarines, ground forces, spies, and embassies. These over-the-air messages could also be intercepted from the ether by adversaries. If they were to remain secret, they could not be sent in plain text. They had to be sent in either code, in which letters are substituted for one another, or, more effectively, a cipher, in which numbers are substituted for letters. Making and breaking codes and ciphers became a crucial enterprise for nations. By 1914, the U.S. Army and Navy had set up units, staffed by mathematicians, linguists, and crossword puzzle solvers, to intercept and decode enemy messages. After the war had ended in 1918, these units were fused into a cover corporation called the Code Compilation Company, which moved to new offices on Thirty-Seventh Street and Madison Avenue in New York City.

Under the supervision of the famous cryptographer Herbert O. Yardley, a team of twenty code breakers was employed in what was called the Black Chamber. Yardley arranged for Western Union, which had the telegraph monopoly in America, to provide the Black Chamber with all the telegrams coming into the United States. "Its far-seeking eyes penetrate the secret conference chambers at Washington, Tokyo, London, Paris, Geneva, Rome," Yardley wrote about the Black Chamber. "Its sensitive ears catch the faintest whispering in the foreign capitals of the world." But in 1929, at the instructions of President Herbert Hoover, Secretary of State Henry Stimson closed the Black Chamber, saying famously, "Gentlemen should not read each other's mail."

The moratorium did not last long. With war looming in Asia and

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Europe, President Franklin D. Roosevelt reactivated the operation as the Signal Security Agency. It proved its value in breaking the Japanese machine-generated cipher "Purple." In June 1942, using deciphered Japanese messages to pinpoint the location of the Japanese fleet at Midway, America won a decisive naval victory in the Pacific. Germany's Enigma encoding machines, with three encoding wheels, proved more of a challenge. Initially, British cryptanalysts led by the brilliant mathematician Alan Turing succeeded in building a rudimentary computer to decipher Germany's messages to its submarines and bombers, but in 1942 Germany added a fourth set of encoding wheels, escalating what was essentially a battle of machine intelligence. The U.S. Navy then contracted with the National Cash Register Company to build a computing machine capable of breaking the improved Enigma, and in May 1943 it succeeded.

By the time the war ended in 1945, the United States had over one hundred giant decryption machines in operation. This unrivaled capability to read the communications of foreign nations, which remained one of America's most closely guarded secrets, was transferred to the Army Security Agency based at Fort Meade, Maryland. Then, on October 24, 1952, President Harry S. Truman greatly expanded its purview and changed its name to the National Security Agency.

The NSA was given two missions. The first one was protecting the communications of the U.S. government. The main risk was that the Soviets would find a way of breaching U.S. government channels of communications. The second mission was intercepting all the relevant communications and signals of foreign governments. This latter mandate included the governments of allies as well as enemies. The president, the other intelligence services, and the Department of Defense deemed what was relevant for national security. Even though the NSA remained part of the Department of Defense, its job went far beyond providing military intelligence. It also acted as a service agency to other American intelligence services. They prepared shopping lists of foreign communications intelligence targets for the NSA to pursue.

As the Cold War heated up in the 1960s, the NSA provided intelligence not only to the Pentagon but to the Department of State, the

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Central Intelligence Agency, the Treasury Department, the Atomic Energy Commission, and the FBI. With a multibillion-dollar "black budget" hidden from public scrutiny, the NSA's technology directorate invested in state-of-the-art equipment, including supercomputers that could break almost any cipher, antennas mounted on geosynchronous satellites that vacuumed in billions of foreign telephone calls, and other exotic capabilities. It also devised stealthy means of breaking into channels that its adversaries believed were secure. This enterprise required not only an army of technical specialists capable of remotely intercepting even the faintest traces of electromagnetic signals, hacking into computers, and eavesdropping on distant conversations but also special units called "tailored access operations," to plant listening devices in embassies and diplomatic pouches. The NSA also organized elaborate expeditions to give access to or even penetrate physical cables in enemy territory. In 1971, for example, the NSA sent a specially equipped submarine into Russia's Sea of Okhotsk in Asia to tap through Arctic ice. The target was a Russian cable four hundred feet below the surface that connected the Russian naval headquarters in Vladivostok with a missile testing range.

In 1980, President Ronald Reagan gave the NSA a clear mandate to expand its interception of foreign communications. In Executive Order 12333, he told the NSA that "all means, consistent with applicable Federal law and this [Executive] order, and with full consideration of the rights of United States persons, shall be used to obtain reliable intelligence information to protect the United States and its interests." It did not restrict any foreign country, either an adversary or an ally, from its surveillance.

The NSA's target soon became nothing short of the entire electromagnetic spectrum. "We are approaching a time when we will be able to survey almost any point on the earth's surface with some sensor," Admiral Stansfield Turner, the former director of central intelligence, wrote in 1985. "We should soon be able to keep track of most of the activities on the surface of the earth." Bobby Ray Inman, a former director of the NSA and deputy director of the CIA, argued that the "vastness of the [American] intelligence 'take' from the Soviet Union, and the pattern of continuity going back years,

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even decades," greatly diminished the possibility of Soviet deception so long as the NSA kept secret its sources.

The NSA did not rely entirely on its own sensors for this global surveillance. It also formed intelligence-sharing alliances with key allies. The most important was with the British code-breaking service, GCHQ, which had achieved enormous success in World War II in using computers to crack the German Enigma cipher. This alliance expanded to include Canada, Australia, and New Zealand in the so-called Five Eyes Alliance. Because over 80 percent of international phone calls and Internet traffic passed through fiber-optic cables in these five countries, the alliance had the capability of monitoring almost all phone and Internet communications.

The NSA also established fruitful liaisons with the cyber services of Germany, France, Spain, Italy, the Netherlands, Portugal, Israel, Japan, and South Korea, which were often willing to provide the NSA with access to telecommunications links in their countries. These long-term allies greatly strengthened the NSA's hand in other ways in the intelligence war. For example, the so-called James Bond provision of the British Intelligence Services Act of 1994 allowed officers of the GCHQ to commit illegal acts outside Britain, including planting devices to intercept data from computer servers, cell phones, and other electronic targets. And, as Snowden's release of documents revealed in 2013 and 2014, these foreign allies fully shared their information with the NSA.

Of course, the liaison between the NSA and its allies was a two-way street. In 2013, none of these other countries had a global network of geosynchronous sensors in outer space and under the ocean that could monitor signals from missile launching, submarines, military deployments, nuclear tests, and other matters of strategic importance to them. Nor did these allies have the cipher-breaking capabilities of the array of NSA supercomputers. The NSA had assiduously built these means at a cost of over half a trillion dollars and employed tens of thousands of linguists who could translate almost any dialect or language of interest.

Even though these allies had their own cipher services and local capabilities, they depended on the NSA to provide them with a large

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share of their signals intelligence. From the perspective of defending themselves from potential threats, the deal that these allies had with the NSA was mutually advantageous.

The NSA's overseas intelligence gathering was not limited to adversary nations. With the exception of the Five Eyes allies, it gathered data that was deemed important by the president and the Defense Department in friendly countries. These operations had been approved by every American president and funded by every American Congress since 1941. After all, even in the realm of allies, activities take place that run counter to American interests. The 9/11 conspiracy, for example, was hatched in Hamburg, Germany, and financed in Dubai and Saudi Arabia.

Nor were American allies unaware of the reach of the NSA. "Yes, my continental European friends, we have spied on you. And it is true we use computers to sort through data by using keywords," the former CIA director James Woolsey wrote in *The Wall Street Journal* in 2000. "Have you stopped to ask yourselves what we are looking for?" Whether or not it was appreciated by other countries, the global harvesting of communications intelligence by the NSA was hardly a secret.

As the NSA expanded further, it delegated part of its work to regional bases, including ones in Utah, Texas, Hawaii, and Japan. The paramount task of the NSA remained monitoring the channels of communications that an adversary might use. The vast proliferation of these channels in cyberspace, which included e-mail, social media, document sharing, and other innovations of the Internet age, greatly complicated this task. Even so, this challenge was not insurmountable, because most of the Internet actually traveled through fiberglass landline cables that crossed the territories of the United States, Britain, and Australia. So the NSA found the technical means, including voluntarily gaining access to major Internet companies, to "harvest" vast amounts of this Internet data. America's other intelligence agencies quickly recognized the value of the communications intelligence gleaned from foreign telecommunications. John E. McLaughlin, who was the CIA's acting director in 2004, described the NSA as nothing less than the "very foundation of U.S. intelligence." It served as a "foundation" for the CIA because intercepted

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communications intelligence allowed the CIA (and other U.S. intelligence services) to test and verify the reports of their human sources in foreign countries. Moreover, because of the immense amount of foreign data that the NSA vacuumed in through its global sensors, it provided the CIA with an effective means for discovering new targets in adversary nations.

By the first decade of this century, the NSA's surreptitious efforts to render the Internet transparent to U.S. intelligence had earned it a new set of enemies. They were the previously mentioned hacktivists who were attempting to shield the activities of Internet users from the intrusions of government surveillance. They employed both encryption and Tor software to defeat that surveillance. But the NSA did not conceal that it was intent on countering any attempt to interfere with its surveillance of the Internet. It built back doors into encryption and worked to unravel the Tor scrambling of IP addresses. It made leading hacktivists targets. Brian Hale, the spokesman for the director of national intelligence, disclosed that the United States routinely intercepted the cyber signatures of parties suspected of hacking into U.S. government networks.

Following the 9/11 attacks on the Pentagon and the World Trade Center, the surveillance of the Internet became an integral part of the Bush administration's war on terrorism. In October 2001, Congress expanded the NSA's mandate by passing the USA Patriot Act. As I described earlier, Section 215 of the act directly authorized the NSA, with the approval of the FISA court, to collect and store domestic telephone billing records. The idea was to better coordinate domestic and foreign intelligence about al-Qaeda and other jihadist groups. This put the NSA directly in the anti-terrorist business. It also necessitated the NSA vastly increasing its coverage of the Internet.

The mantra in government in this post-9/11 intelligence world became "connect the dots." Congress through this act essentially demolished the wall between domestic and foreign intelligence when any NSA activity related to foreign-directed terrorism. It further made the NSA a partner with the FBI in tracking phone calls

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made from phones originating outside the United States by known foreign jihadists. If these calls were made to individuals inside, the NSA was now authorized to retrieve the billing records of the person called and those people whom he or she called. These traces were then supplied to the FBI. The new duties also increased the NSA's need to create new bureaucratic mechanisms to monitor its compliance with FISA court orders. Rajesh De, the NSA's general counsel at the time of the Snowden breach, described the NSA as becoming by 2013 "one of the most regulated enterprises in the world." Grafted onto its intelligence activities were layers of mandated reporting to oversight officials. Not only did the NSA have its own chief compliance officer, chief privacy and civil liberties officer, and independent inspector general, but the NSA also had to report to a different set of compliance officers at the Department of Defense, the Office of the Director of National Intelligence, and the Department of Justice. Additionally, the Department of Justice dispatched a team of lawyers every sixty days to review the results of "every single tasking decision" approved by the FISA court.

According to De, just assembling these reports involved thousands of hours of manpower. In addition, the president's Oversight Board required that the NSA's Office of the General Counsel and inspector general supply it every ninety days with a list of every single error and deviation from procedure made by every NSA employee anywhere in the world, including even minor typing errors. These requirements, according to De, inundated a large part of the NSA legal and executive staff in a sea of red tape. Yet this regulation could not undo surveillance programs such as the one Snowden revealed of Verizon's turning over the billing records of its customers to the NSA, because the NSA was in compliance with the FISA court order (even though, as it turned out in 2015, the FISA court might have erred in interpreting the law).

The NSA's focus on surveillance might have led to the neglect of its other mission: protecting the integrity of the channels through which the White House, government agencies, and military units send information. This task had been made vastly more difficult by the proliferation of computer networks, texting, and e-mails. To protect government networks from cyber attacks, the Penta-

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gon belatedly created the U.S. Cyber Command in 2009. In it, the cyber-defense units of the army, navy, marines, and air force cyber forces were merged together and put under the command of the NSA director. General Keith Alexander became the first director of this new command. One problem for the Cyber Command was separating attacks by civilians, including criminals, hacktivists, and anarchists, from cyber warfare sponsored and supported by adversary states. Because foreign intelligence services often closely imitated the tools of civilian hackers, and were even known to provide them with hacking tools, it was not easy for the Cyber Command to unambiguously determine if the ultimate perpetrator of a cyber attack was state sponsored. For example, the identification of North Korea as the principal actor behind the attack on Sony in December 2014 appeared to be a rare success, but many cyber-security experts believed that it might be a false trail used to hide the real attacker. Clues could be fabricated in cyberspace to point to the wrong party.

The job of the Cyber Command was to prevent such an attack. To this end, it planted viruses on hundreds of thousands of computers in private hands to act as sentinels to spot other suspicious viruses that could mount such an attack. Private computers had become a new battleground in the cyber wars. It also built a capability to retaliate. Still, cyber attacks, which were launched through layers of other countries' computers, could not be unambiguously traced back to the true perpetrator.

This escalation by the Cyber Command set the stage for expanded forms of warfare in cyberspace. "The Chinese are viewed as the source of a great many attacks on western infrastructure and just recently, the U.S. electrical grid," General Alexander said in explaining the need for this consolidation. "If that is determined to be an organized attack, I would want to go and take down the source of those attacks." The same retaliation would presumably be used against Russia, Iran, or any other adversary. Dominance of cyberspace itself now became part of the NSA's mandate.

Even so, the most important job of the NSA remained intercepting secret information from Russia, China, Iran, and North Korea. To this end, it had an annual budget of $12.3 billion and some thirty-five thousand military and civilian employees. In 2013, James Clap-

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per, director of national intelligence, justified the secret intelligence budget by saying in an open session of Congress, "We are bolstering our support for clandestine SIGINT [signals intelligence] capabilities to collect against high priority targets, including foreign leadership targets," and to develop "groundbreaking cryptanalytic capabilities to defeat adversarial cryptography and exploit Internet traffic." It was no secret to Congress, even before Snowden, that the NSA was attempting to monitor the Internet. What was a closely held secret before Snowden revealed it was that the NSA had found a way in 2007 to intercept Internet traffic before it was encrypted.

Through all this tumult, the heart of the NSA's activity remained its five-thousand-acre base at Fort Meade, Maryland. It commanded the most powerful mechanism for intercepting communications that the world had ever seen. No other country came close to its technology for intercepting information. The NSA not only was able to intercept secret information from potential adversaries but also—at least until the Snowden breach—managed to conceal these means from them. As long as these adversaries remained blind to the ways in which their communications were being intercepted, deciphered, and read by the NSA, they could not take effective countermeasures. Consequently, the NSA had the capability to provide the president and his advisers with continuous insights into the thinking and planning of potential enemies.

Keeping its sources and methods secret was no easy task. The NSA's technicians had to deal with continuous technical challenges to provide a seamless harvesting of data from a wide range of communication devices, including telephones, computers, and the Internet. It required continuous intra-agency communications between the NSA's own intelligence officers and a growing number of civilian technicians. It even had its own "Wiki-style" network through which they could discuss problems, called the NSANet. Because it could not tightly control access to this technical network, it expunged any mention of the sources and methods from the material circulated on the classified NSA network. Instead, it stored them in discrete computers, called compartments, which were disconnected from other computers at the NSA. These compartments could only be accessed by a limited number of analysts and NSA executives who had a need

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to know about the data they contained. These compartments were the final line of defense against an inside intruder.

In 2009, Snowden, as we know, found his way into the NSA through a temporary job with an outside contractor that was working for the NSA's Technology Directorate to repair and update its backup system. Four years later, by maneuvering to get hired by another outside contractor with access to the NSA's sources and methods, he was able to steal secrets stored in isolated computers bearing directly on the ongoing intelligence war. Snowden also copied from these compartments in a matter of weeks, as has been previously mentioned, the NSA's Level 3 sources and methods used against Russia, Iran, and China. The Snowden breach demonstrated that the NSA's envelope of secrecy was at best illusory.

After this immense loss, the NSA's sources inside these adversary countries were largely compromised, even if they were not closed down. Once these adversaries were in a position to know what channels the NSA was intercepting, they could use these same channels to mislead U.S. intelligence. A former top intelligence official told me, "The queen on our chessboard had been taken."

The NSA moved to mitigate the damage and find new ways of obtaining unexpected intelligence. In June 2014, the new NSA director, Rogers, had to confront flagging morale that, according to General Hayden, was near paralyzing the intelligence service. Rogers recognized that as a direct result of the Snowden breach, "the nation has lost capabilities against adversaries right now who are attempting to actively undermine us." But even with that loss, he observed, "the sky has not fallen."

As in the Chicken Little fable he cited, the world had not ended for the NSA. Nor had it ended for the multibillion-dollar outsourcing enterprise it superintended. The NSA might have lost many of its sources, or "capabilities," but Rogers held out hope that new sources could eventually be found to replace them. Compromised codes, after all, could be changed. New technological methods could be devised. New vulnerabilities could also be targeted in enemy territories. Although repairing the damage might take many "decades," according to Michael McConnell, the vice-chairman of Booz Allen, the new director had to get on with that task. McConnell, a for-

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mer NSA director himself, pointed out that the NSA director's "first responsibility is to be the chief cheerleader." Rebuilding the NSA capabilities assumed, however, that there would not be another Snowden-sized breach.

The question remained: How could the NSA's vaunted secrecy have been so deeply penetrated by a mere analyst in training at a regional base in Oahu? The perpetrator himself could not be asked if he was in Moscow pointing to the "incompetence" of the NSA in his Moscow interviews. What was known, though, was that the young man who had taken the "queen" from the board had gained entry to the NSA's secret chambers through the back door, a portal opened to him by the NSA's reliance on outside contractors.

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CHAPTER 20

The NSA's Back Door

> You have private for-profit companies doing inherently governmental work like targeted espionage, surveillance, compromising foreign systems. And there's very little oversight, there's very little review.
>
> —EDWARD SNOWDEN, Moscow, 2014

PRIOR TO SNOWDEN'S THEFT of NSA documents, the single most shattering blow to the confidence of the U.S. intelligence community was the 1994 exposure of Aldrich Ames as a long-serving Russian mole in the CIA. Ames, it will be recalled, had been a high-ranking CIA officer, working at the CIA's Counterintelligence Center Analysis Group, before he was arrested by the FBI. He had also worked as a mole for Russian intelligence.

In a plea bargain to avoid a death sentence (he was sentenced to life imprisonment), he admitted that he had successfully burrowed into the CIA and had worked there for over nine years on behalf of the KGB. His description of his sub-rosa activities as a mole was part of the plea bargain. This stunning revelation shook the CIA leadership to its core. Until then, CIA executives steadfastly denied that it was possible that the KGB could sustain a mole in American intelligence. The Ames arrest also led the NSA to reassess its own vulnerability to penetration. Could there be an Ames inside the NSA?

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The question was considered by the NSA's National Threat Operations Center, the same unit from which Edward Snowden later stole a huge trove of secret documents. According to a report in 1996 titled "Out of Control" (later released by the NSA), the danger of an Ames-type penetration could not be excluded. Even though the "threat officer" who wrote this report was not identified by name, his analysis proved incredibly prescient. He said that the NSA's drive to enhance its performance by networking its computers would result in the intelligence services' putting "all their classified information 'eggs' into one very precarious basket." The basket was the computer networks run by technicians called system administrators. He pointed out that the NSA was becoming increasingly dependent on such networked computer systems, and he predicted that the NSA's "Aldrich Ames," as he put it, would be a "system administrator," which was the position that Edward Snowden held nearly two decades later at Dell when he began stealing secrets.

The NSA's system administrators were, as the threat officer pointed out, very different from the traditional military employees at the NSA. They were usually civilians who effectively served as repairmen for complex computer systems. Moreover, many of them had not been directly hired by the NSA. Instead, their recruitment had been privatized to outside contractors.

This outsourcing had deep roots tracing back to World War II. Ed Booz and Jim Allen, the founders of Booz Allen Hamilton, obtained contracts to help manage ship construction from the U.S. Navy. After the war ended, they sought contracts for their firm in classified work. These contracts grew in size as the NSA needed more and more system administrators and other information technologists to manage the computer networks. These system administrators needed to be given special privileges to do their service job. One such privilege allowed them to bypass password protection. Another privilege allowed then to temporarily transfer data to an external storage device while they repaired computers. These two privileges greatly increased the risk of a massive breach. Seeing them as the weak link in the chain, the threat officer wrote in the report that "system administrators are likely to be increasingly targeted by for-

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eign intelligence services because of their special access to information."

Before the computerization of the NSA, the threat officer noted, code clerks and other low-level NSA communicators had been the targets of adversary intelligence services. But the increasing reliance on computer technicians presented foreign intelligence services with much richer targets. He predicted that they would adapt their recruiting to this new reality. Specifically, he argued that adversary intelligence services would now focus their attention on system administrators. "With system administrators," he said, "the situation is potentially much worse than it has ever been with communicators." The reason, he explained, was that "system administrators can so easily, and quickly, steal vast quantities of information."

He further suggested that because system administrators are often drawn from the counterculture of hacking, they are more likely to be vulnerable to an adversary service using a fake identity for its approach, or a "false flag." A "false flag" was a term originally applied to a pirate ship that temporarily hoisted any flag that would allow it to gain proximity to its intended prey, but in modern times it describes a technique employed by espionage services to surreptitiously lure a prospect. False flags were a staple used by the KGB in espionage recruitment during the Cold War. They were usually employed when a target for recruitment was not ideologically disposed to assisting the intelligence service. To overcome that problem, recruiters hide their true identities and adopt a more sympathetic, bogus one.

In 1973, the KGB, working through one of its agents in the U.S. Navy, used the false flag of Israel to recruit Jerry Alfred Whitworth, who served as a communications officer with a top secret clearance for the navy. Like many other KGB recruits, Whitworth came from a broken family, dropped out of high school, took technical courses, and got a job as a communications officer. He was not disposed to working for Russia. But he was willing to steal enciphered and plain text cables to help in the defense of Israel. After he was thoroughly compromised by his espionage work, he was told by the KGB recruiter that he was actually working for Russia, but by this time

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he was too deeply compromised to quit. He continued his espionage work for another eight years. (Whitworth, who was arrested by the FBI in 1985, was convicted of espionage and sentenced to 365 years in prison.)

The Internet provided an almost ideal environment for false flags because its users commonly adopt aliases, screen names, and other avatars. The threat officer explained how easy it would be for the KGB to adapt such a false flag when dealing with a dissident system administrator working for U.S. intelligence. As the threat officer pointed out in his report, the KGB had used false flags in the late 1980s to surreptitiously recruit members of the "German Hanover Hackers," a community of anarchistic hackers who breached computer networks for fun and profit. Until then, these hacktivists stole corporate and private passwords, credit card information, and other privileged documents as a form of freelance espionage. Because of their fervent anti-authority ideology, the KGB disguised its recruiters as fellow hacktivists. The KGB succeeded in getting the Hanover hackers to steal log-in account identifications, source codes, and other information from U.S. government computer networks.

The weak link of system administrators became increasingly relevant as the NSA moved further into the digital age. By the beginning of this century, its growing networks of computers were largely operated by civilian technicians, including system administrators, infrastructure analysts, and information technologists, who were needed to keep the system running. Despite the warning by the threat officer, the NSA became more and more reliant on these outsiders as it reorganized to meet its new mandates for surveillance of the Internet in the war on terrorism.

The NSA had to compete with technology companies, such as Google, Apple, and Facebook, for the services of experienced IT workers. Though Booz Allen had been providing technically trained specialists to the government since the 1940s and '50s, congressionally imposed salary caps put the NSA at a disadvantage to private firms in its recruitment efforts. As a result, it increasingly contracted with private firms to find talent, especially in the rush for data-based intelligence following 9/11. Booz Allen, to meet increased demand, recruited civilian technicians from many unconventional areas,

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including the hacking culture. Ex-hackers who lacked (or shunned) employment opportunities in the corporate sector were suitable candidates for the system administrator jobs that these firms had contracted to supply the NSA. In the rush to expand, little heed was paid to the 1996 warning that this hacking culture might provide a portal to anti-government hacktivist groups. The NSA became so enamored with this new computer technology that it neglected the security implications of employing outsiders to service it. "All of us just fell in love with the ease and convenience and scale [of electronic storage]," General Hayden, who headed the NSA at the time, said to *The Wall Street Journal* in 2015. "So we decided to take things we used to keep if not in a safe, at least in our desk drawer, and put it up here [in a computer network], where it's by definition more vulnerable." Making matters even worse, as has previously been discussed, the NSA stripped away much of the so-called stove-piping that insulated highly sensitive data from the NSA's other computer networks. FBI Director Mueller, in his "Statement Before the Senate Committee on Homeland Security and Governmental Affairs,"described a decade of post–9/11 intelligence reorganization thus: "One of the first steps was to centralize control and management of counterterrorism operations at headquarters to avoid the 'stove-piping' of information on terrorism cases in the 56 individual field offices across the country." Here the NSA was merely following the recommendations of the 9/11 Commission to make their data more accessible to other agencies concerned with potential terrorist attacks, but as a result, the inner sanctum of the NSA became more open to its new army of civilian technicians.

By 2013, much of the job of managing the NSA's classified computers had been handed over to a handful of private companies: Booz Allen Hamilton, which handled the most highly secret work; Dell SecureWorks; Microsoft; Raytheon; and IBM. In many respects, these five companies acted less like management consultants and more like temporary employment agencies in finding for the NSA the computer specialists who had the necessary security clearances.

The NSA found that the universe of independent contractors was governed by very different considerations from that of intelligence services. Unlike intelligence services, their fate depended on turning

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profits. Because the value of their contracts was largely limited by competitive bidding, their business plans were predicated on their ability to minimize the costs of fulfilling these contracts. Their principal cost was the salaries they paid their independent contractors. Their business plans therefore depended on finding large numbers of computer technicians in the private realm willing to work at an NSA base at relatively low wages. This task became more difficult as many potential recruits could find higher-paying employment with more of a future in the burgeoning private sphere. But the companies could also increase their revenue streams by getting additional contracts, which, in turn, meant recruiting even more workers.

Such a business plan could hardly afford to give the highest priority to the low probability of a security risk. In the private sector, there is usually an unambiguous external measure of failure. An automobile company such as General Motors can measure the performance of its executives by reckoning its change in net income. With secret intelligence work, the metrics for failure are far less clear. This curious aspect of secret work was part of the advice given to a White House lawyer in the Obama administration seeking a position with the NSA in 2012, who was told that among the advantages of working for a super-secret agency was that if one errs or has a failure, "it stays secret." The Snowden case showed that not all failures stay secret.

The NSA can certainly quantify the amount of data it is intercepting, but it obviously cannot count the intelligence that it misses. The a priori proposition in the intelligence game is that "what is successfully hidden is never found." But one failure that cannot be hidden is a security breach in which a perpetrator uses NSA data to publicly expose the NSA's sources.

Until the Snowden breach in 2013, the NSA had experienced only one such public failure. It was the capture by North Korea in 1968 of the USS *Pueblo,* which had been carrying out highly sensitive electronic communications interception for the NSA. The *Pueblo* crew failed to destroy the NSA's encoding machines, which were flown to Russia several days later. It was a horrible, costly breach. The Snowden breach was much worse because, among the thousands of

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documents he stole, he selected lists of the NSA's secret sources in adversary nations.

The Snowden breach was a failure that directly traced back to the NSA's largest and most trusted contractor, Booz Allen Hamilton, calling into question the vexing issue of privatizing secret intelligence. Booz Allen, like other private firms that did work for the government, was in the business to make money. Indeed, it had found government contracts so much more profitable than its work in the private sector that it sold its private sector unit to Price Waterhouse. The profitability of government work led the Carlyle Group's private equity fund to acquire a controlling stake in Booz Allen in July 2008. By 2013, it had increased its revenue by more than $1.3 billion by expanding its government contracts. Even more impressive, its operating profit on these contracts had doubled. It did not need to increase its core internal staff to achieve these profits, it just had to hire outside contractors. In 2008, Booz Allen claimed 20,000 employees on its internal staff; in 2013, it claimed fewer than 5,000. The resulting "reduced headcount," according to its January 30, 2013, quarterly report, greatly decreased its costs for incentive pay. It mainly accomplished this reduction by expanding the number of outside contractors it employed, 8,000 in these five years, by one Wall Street analyst's calculation. They were employed as system administrators, infrastructure analysts, computer security specialists, and other "geek squad" jobs at the NSA and other government agencies. Their main qualification was their prior security clearances (which as mentioned earlier saved Booz Allen the expense of vetting them and also the loss of income while waiting many months for a clearance).

Snowden therefore was highly desirable for Booz Allen from an economic point of view. Even though he had no prior experience as an infrastructure analyst, and he had been detected being untruthful about his degree in computer sciences, he not only had a SCI security clearance but was willing to take a cut in pay. In keeping with the Booz Allen business plan, such a recruit provided another cog in its profit machine.

Not only had the NSA outsourced much of its computer opera-

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tions to private companies, but the Clinton administration in 1996 had privatized background checks for government employees requiring security clearances. The idea, backed by Vice President Al Gore, was to reduce the size of the federal government by outsourcing investigating the backgrounds of millions of government applicants for jobs. The task had previously been performed by the FBI, but it was assumed that a profit-making business could do it faster and more efficiently. The private company named U.S. Investigations Services was purchased in 2007 for $1.5 billion by Providence Equity Partners, a rapidly expanding investment firm founded in 1989 by graduates of Duke, Brown University, and the Harvard Business School. So like Booz Allen, USIS was backed by a hedge fund determined to make money by systematically cutting the cost of a service previously carried out by the government.

But such outsourcing had drawbacks. For one thing, unlike the FBI, USIS lacked the investigative clout to gain entry to certain government agencies. A Congressional review found that the privacy act permits disclosure of government agency records to the private firm if they are part of a "routine use of the records," but intelligence agencies did not consider all such requests to be "routine. For example, when it did the background check on Snowden in 2011, it could not get access to his CIA file. The "derog" in his file might have set off alarm bells, as might the fear that he had been threatened by an internal investigation over his alleged computer tampering in 2009. The FBI might have learned this about Snowden if it had done his background check.

The lack of adequate oversight was another problem. USIS closed cases and cleared applicants without completing an adequate investigation. According to a U.S. government suit filed in 2014, USIS had prematurely closed over 665,000 investigations in order to get paid for them more quickly. Because the more cases it completed each month, the more money it received from the government, the lawsuit alleged that USIS employees often "flushed" or ended cases before completing a full investigation to meet corporate-imposed quotas for getting bonuses. One employee, in an e-mail cited in the government's complaint, said they "flushed everything like a dead goldfish." As a result, some information specialists entering the NSA

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through the back door of outside contractors were not fully vetted. (On August 20, 2015, USIS agreed to forfeit $30 million in fees to settle the lawsuit.)

USIS was also open to sophisticated hacking attacks by outsiders. In August 2014, the Department of Homeland Security's counterintelligence unit discovered such a massive and persistent breach in USIS that it shut down its entire exchange of data with it. The intrusion into USIS records in this case was attributed to hackers in China most likely linked to the Chinese intelligence service. Such massive intrusions dated back to 2011. USIS's lack of security in its website left a gaping hole through which outside parties, including Chinese and Russian hackers, could learn both the identity and the background information of specialists applying for jobs at the NSA.

These private companies also did not sufficiently protect the personal data of their independent contractors working at the NSA. The hackers' group Anonymous took credit for the successful 2011 attack on the Booz Allen Hamilton servers. It also cracked the algorithms used to protect employees. It next injected so-called Trojan horse viruses and other malicious codes into Booz Allen servers that allowed it future entry. If amateur hackers such as Anonymous could break into the computers of the NSA's largest contractor, so could adversaries' state espionage services with far more advanced hacking tools. From these sites, China or Russia could obtain all the job applications and personal résumés submitted to contractors such as Booz Allen. It could then compile a list of the best candidates to do its bidding.

These deficiencies in the private sector were compounded by the failure of security in the government's own Office of Personnel Management. It used a computer system called e-QIP in which intelligence employees, including outside contractors, updated their computerized records to maintain or upgrade their security clearances. For example, Snowden updated his clearance in 2011. To do so, these employees constantly updated their financial and personal information. As it turned out, there was a major hole in the e-QIP system. It has repeatedly been hacked by unknown parties since 2010. In 2015, the U.S. government told Congress that China was most likely responsible, but Russia and other nations with sophis-

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ticated cyber services could have also participated in the hacking. In any case, the records of over nineteen million employees, including intelligence workers, became available to a hostile intelligence service. This breach would allow hostile services to obtain a great deal of information about independent contractors working at the NSA. They could then use this data to follow the movements of any of these intelligence workers they deemed of interest.

Despite all the potential flaws in it, the outsourcing system continued in place. It even featured a revolving door through which Booz Allen hired retiring executives from the intelligence services, such as the former NSA director Michael McConnell; James Woolsey, a former director of the CIA; and the retired general James Clapper, who later served as director of national intelligence.

The cozy relationship between the private firms and the NSA notwithstanding, the NSA leadership operated as if it were unaware that outsourcing could create a security problem. As far back as 2005 General Hayden, then the departing head of the NSA, had been warned of one such vulnerability in a memorandum written by a counterintelligence officer at the NSA. Like the earlier 1996 report by the threat officer, this memorandum noted the NSA had ceded responsibility for managing its secret systems to outsiders and warned that the NSA's reliance on them to manage its computers had opened a back door into the NSA. In addition, it warned that once an outside contractor managed to slip in through this back door, he could easily jump from one outsourcer to another. This was what Snowden did when he moved from Dell to Booz Allen Hamilton in 2013.

Despite its security flaws, outsourcing seemed to provide a number of advantages to the NSA. For one thing, it provided a means for circumventing the budget restrictions imposed by Congress on hiring new employees. In addition, because private companies had less rigid hiring standards, it greatly expanded the pool of young system administrators by tapping into computer cultures that would be antagonistic to working directly for the government. Finally, it drew less on NSA resources. Because these information technologists were only temporary employees, they were not entitled to military

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pensions, paid medical leave, and other benefits. It was a system that effectively replaced military careerists with freelancers.

The irony of the situation was that the NSA had surrounded its front doors with rings of barbed wire, closed-circuit cameras, and armed guards, but for reasons of economy, bureaucratic restrictions, and convenience it had left the back door of outsourcing open to temporary employees of private companies, even though it might take some time for them to gain entry to its inner sanctum.

"It was not a question of if but when one of the contractors would go rogue," the former NSA executive who wrote the 2015 memorandum told me. Snowden answered that question in 2013. Even more extraordinary than the theft itself was the reaction to it by the NSA. It turned out that there was no cost of failure levied against the outside contractor Booz Allen, which had employed Snowden when he bypassed its security regime to steal the keys to the kingdom. Even though the counterintelligence investigation showed Snowden stole documents from compartments to which he did not have access, the NSA did not penalize Booz Allen. Instead, its revenues and profits from government contracts markedly increased between 2013 and 2015.

Nor did the NSA alter its reliance on private contractors. The back door to the NSA remained wide open. Outsourcing to private companies has become an all but irreplaceable part of the intelligence system in America, Snowden's actions, and the risk of future similar actions, notwithstanding.

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CHAPTER 21

The Russians Are Coming

The collapse of the Soviet Union was a major geopolitical disaster of the century.

—VLADIMIR PUTIN

IN THE FIRST INVASION of a European country since the end of the Cold War, Russian military forces moved into the Crimea and other parts of eastern Ukraine in February and March 2014. Unlike with previous Russian troop movements, such as those into Poland, Hungary, Czechoslovakia, and East Germany during the Cold War, the weeklong massing of Russian elite troops and sophisticated equipment for the move into Ukraine almost totally evaded detection by the NSA's surveillance. Never before had the NSA's multibillion-dollar armada of sensors and other apparatus for intercepting signals missed such a massive military operation. According to a report in *The Wall Street Journal* that cited Pentagon sources, Russian units had managed to hide all electronic traces of their elaborate preparations. If so, after more than half a century of attempted penetrations, Russia had apparently found a means of stymieing the interception capabilities of the NSA.

Putin had firm ideas about restoring Russia's power in the post–Cold War era. A formidable KGB officer before he became president

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of the Russian Federation in 2000, he made no secret that his goal was to prevent the United States from obtaining what he termed "global hegemony." His logic was clear. He judged the breakup of the Soviet Union in 1991 to be, as he put it, "a geopolitical disaster." He argued that the breakup had provided the United States with the means to become the singular dominant power in the world.

He sought to prevent that outcome by moving aggressively to redress this loss of Russian power. He upgraded Russia's nuclear force, modernized Russia's elite military units, and greatly strengthened Russia's relations with China. The last measure was essential because China was Russia's principal ally in opposing the extension of American dominance. Yet there was still an immense gap between them and the United States in communications intelligence.

Since the breakup of the Soviet Union, the NSA had continued to build up its technological capabilities, while Russia teetered on the edge of collapse in the early 1990s. But as previously mentioned, the NSA's legal mandate had been limited by Congress to foreign interceptions (at least prior to 9/11). As a result, it was required to separate out domestic from foreign surveillance, a massive process that not only was time-consuming but could generate dissidence within the ranks of American intelligence. It also could not legally use its surveillance machinery to monitor the telephones and Internet activities of the tens of thousands of civilian contractors who ran its computer networks—at least not unless the FBI began an investigation into them.

Here the Russian intelligence services had a clear advantage. They had a lawful mandate to intercept any and all domestic communications. In fact, a compulsory surveillance system called by its Russian acronym SORM had been incorporated into Russian law in 1995. It requires the FSB and seven other Russian security agencies to monitor all forms of domestic communications including telephones (SORM-1), e-mails and other Internet activity (SORM-2), and computer data storage of billing information (SORM-3). Not only did Russia run a nationwide system of Internet filtering in 2013, but it required its telecommunication companies to furnish it with worldwide data.

The NSA also had to deal with many peripheral issues other than

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the activities of Russia and China. It was charged with monitoring nuclear proliferation in Iran, Pakistan, and North Korea, potential jihadist threats everywhere in the world, and much else. The Russian foreign intelligence service, the SVR, could put its limited resources to work on redressing the gap with its main enemy: the United States.

Nevertheless, Putin had to reckon with the reality in 2013 that Russia could not compete with the NSA in the business of intercepting communications. And if the NSA could listen in on all the internal activities of its spy agencies and security regime, the ability of Putin to use covert means to achieve his other global ambitions would be impaired. In the cold peace that replaced the Cold War, Russia had little hope of realizing these ambitions unless it could weaken the NSA's iron-tight grip on global communications intelligence. One way to remedy the imbalance between Russian intelligence and the NSA was via espionage. Here the SVR would be the instrument, and the immediate objective would be to acquire the NSA's lists of its sources in Russia. If successful, it would be a game changer.

Such an ambitious penetration of the NSA, to be sure, was a tall order for Russian intelligence. Most of its moles recruited in the NSA by the KGB had been code clerks, guards, translators, and low-level analysts. They provided documents about the NSA's cipher breaking, but they lacked access to the lists of the NSA's sources and methods. These meager results did not inhibit Russian efforts. For six decades, ever since the inception of the NSA in 1952, the Russian intelligence service had engaged in a covert war with the NSA.

The Russian intelligence service is, as far as is known, the only intelligence service in the world that ever succeeded in penetrating the NSA. A number of NSA employees also defected to Moscow. The history of this venerable enterprise is instructive.

The first two defectors in the NSA's history were William Martin and Bernon Mitchell. They were mathematicians working on the NSA's decryption machines who went to Moscow via Cuba in 1960. The Russian intelligence service, then called the KGB, went to great lengths to get propaganda value from their defections. It even organized a ninety-minute press conference for them on September 6,

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1960, at the Hall of Journalists and invited all the foreign correspondents in Moscow. Before television cameras, the defectors denounced the NSA's activities. Martin told how the NSA breached international laws by spying on Germany, Britain, and other NATO allies. Mitchell, for his part, suggested that the NSA's practice of breaking international laws could ignite a nuclear war. Indeed, he justified their joint defection to Russia in heroic whistle-blowing terms, saying, "We would attempt to crawl to the moon if we thought it would lessen the threat of an atomic war." The NSA review of the case, however, assessed that little damage had been done, because the NSA quickly changed the codes they had compromised. It noted, "The Communist spymasters would undoubtedly have preferred Martin and Mitchell to remain in place as moles, since their information was dated as of the moment they left NSA."

The next NSA defector was Victor Norris Hamilton, a translator and analyst at the NSA. He arrived in Moscow in 1962, and like Mitchell and Martin he claimed the status of a whistle-blower. This time, the KGB provided a newspaper platform. Writing in the Russian newspaper *Izvestia*, Hamilton revealed the extent of U.S. spying on its allies in the Middle East.

None of these three 1960s defectors revealed what, if any, NSA secret documents they had compromised. Nor did any of them ever return to the United States. Martin changed his name to Vladimir Sokolodsky, married a Russian woman, and died in Mexico City on January 17, 1987. Mitchell vanished from sight and was reported to have died in St. Petersburg on November 12, 2001. Hamilton, after telling Russian authorities stories about hearing voices in his head because of an NSA device implanted in his brain, was consigned to Special Psychiatric Hospital No. 5 outside Moscow.

There were also KGB spies in the NSA who were caught or died before they could defect. One of them was Sergeant Jack Dunlap. He was found dead of carbon monoxide poisoning in his garage on July 23, 1963. Although there was no suicide note, his death was ruled an apparent suicide. NSA classified documents were later discovered in his house. After that, NSA investigators unraveled his decade-long career as a KGB mole. Dunlap had been recruited by the KGB in Turkey in 1952. The standard KGB tool kit for recruitment

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was called MICE. It stood for Money, Ideology, Compromise, and Ego. The KGB used the first element, money, to compromise Dunlap. After he was compromised, it exploited him by getting him to steal NSA secrets. He had access to such secrets because he became the personal driver to Major General Garrison Coverdale, the chief of staff of the NSA. After Coverdale retired, he became the driver for his successor, General Thomas Watlington. These positions afforded him a security clearance and, even more important, a "no inspection" status for the commanding general's cars that he drove. This perk allowed him to leave the base with secret documents, have them photocopied by his KGB case officer, and then return them to the files at the NSA base before anyone else knew they were missing. He also used, likely at the suggestion of the KGB case officers, his "no inspection" perk to offer other NSA employees a way of earning money. He would smuggle off the base any items of government property that they took. Once he had compromised them through thefts, he was in a position to ask them for intelligence favors. This NSA ring could not be fully investigated because of his untimely death. Other than the packets of undelivered NSA documents found in his home, the investigation was never able to assess the total extent of the KGB penetration of NSA secrets. (Angleton suspected Dunlap was murdered by the KGB in what he termed a surreptitiously assisted death, to prevent Dunlap from talking to investigators.)

The Russian intelligence services continued recruiting mercenary spies in the NSA for the duration of the Cold War. The KGB successes included Robert Lipka, a clerk at the NSA in the mid-1960s, who was caught in a sting operation by the FBI and sentenced to eighteen years in a federal prison. Ronald Pelton, an NSA analyst, was recruited after he retired from the NSA. After he was betrayed by a KGB double agent in 1985, he was sentenced to life imprisonment. Finally, there was David Sheldon Boone, an NSA code clerk, who between 1988 and 1992 provided the KGB with NSA documents in return for $60,000. Boone, sentenced to twenty-four years in prison, was the last known KGB recruitment of the Cold War.

During the Cold War, Russian intelligence service officers operated mainly under the cover of the embassies, consulates, United Nations delegations, and other diplomatic missions of the Soviet

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Union. As "diplomats," they were protected from arrest by the terms of the 1961 Treaty of Vienna Convention on Diplomatic Relations. Their diplomatic cover, however, greatly limited their field for finding potential recruits outside their universe of international meetings, diplomatic receptions, UN organizations, scientific conferences, and cultural exchanges. They therefore tended to recruit their counterparts in adversary services.

In this regard, the successful entrapment of Harold Nicholson in the 1990s is highly instructive. From his impressive record, he seemed an unlikely candidate for recruitment. He had been a superpatriotic American who had served as a captain in army intelligence before joining the CIA in 1980. In the CIA, he had an unblemished record as a career officer, serving as a station chief in Eastern Europe and then the deputy chief of operations in Malaysia in 1992. Even though his career was on the rise and he was a dedicated anti-Communist, he became a target for the SVR when he was assigned to the CIA's elite Russian division. Because the job of this division was to recruit Russian officials working abroad as diplomats, engineers, and military officers, its operations brought its officers in close contact with SVR officers. Nicholson therefore was required to meet with Russian intelligence officers in Manila, Bucharest, Tokyo, and Bangkok and "dangle" himself to the SVR by feigning disloyalty to the CIA.

As part of these deception operations, Nicholson supplied the Russians with tidbits of CIA secrets, or "chickenfeed," that had been approved by his superiors at the CIA. What his CIA superiors did not fully take into account in this spy-versus-spy game was the SVR's ability to manipulate, compromise, and convert a "dangle" to its own ends. As it turned out, Russian intelligence had been assembling a psychological profile on Nicholson since the late 1980s and found vulnerability: his resentment at the failure of his superiors to recognize his achievements in intelligence. The Russians played on this vulnerability to compromise him and then converted him to becoming its mole inside the CIA.

Nicholson worked for the SVR first in Asia; then he was given a management position at CIA headquarters, which is located in Langley, Virginia. Among other secret documents, he provided the SVR

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with the identities of CIA officers sent to the CIA's special training school at Fort Peary, Virginia, which opened the door for the SVR to make other potential recruitments. Meanwhile, it paid him $300,000 before he was finally arrested by the FBI in November 1996. (After his conviction for espionage, he was sentenced to twenty-three years in federal prison.) The CIA postmortem on Nicholson, who was the highest-ranking CIA officer ever recruited (as far as is known), made clear that even a loyal American, with no intention of betraying the United States, could be entrapped in the spy game.

When it comes to recruiting moles in a larger universe, intelligence services operate much like highly specialized corporate "headhunters," as James Jesus Angleton described the process to me during the Cold War era. He was referring to the similar approach that corporate human resource divisions had with espionage agencies. Both headhunt by searching through a database of candidates for possible recruits to fill specific positions. Both types of organizations have researchers at their disposal to draw up rosters of potential recruits. Both sort through available databases to determine which of the names on the list have attributes that might qualify or disqualify them for a recruitment pitch. Both also collect personal data on each qualified candidate, including any indication of his or her ideological leaning, political affiliations, financial standing, ambitions, and vanities, to help them make a tempting offer.

But there are two important differences. First, unlike their counterparts in the private sector, espionage headhunters ask their candidates not only to take on a new job but also to keep their employment secret from their present employer. Second, they ask them to surreptitiously steal documents from him. Because they are asking candidates to break the law, espionage services, unlike their corporate counterparts in headhunting, obviously need to initially hide from the candidates the dangerous nature of the work they will do. Depending on the targeted recruit, they might disguise the task as a heroic act, such as righting an injustice, exposing an illegal government activity, or countering a regime of tyranny. This disguise is called in the parlance of the trade a false flag, as mentioned earlier. By using such a false flag, the SVR did not need to find a candidate who was sympathetic to Russia or the Putin regime. In its long

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history dating back to the era of the czars, Russian intelligence had perfected the technique of false flag recruitment, through which it assumes an identity to fit the ideological bent of a potential recruit.

Russian intelligence was well experienced with false flags. It first used this technique following the Bolshevik revolution in 1917 to control dissidents both at home and abroad. The centerpiece, as later analyzed by the CIA, was known as the "Trust" deception. It began in August 1921 when a high-ranking official of the Communist regime in Russia named Aleksandr Yakushev slipped away from a Soviet trade delegation in Estonia and sought out a leading anti-Communist exile he had known before the revolution in Russia. He then told him that he represented a group of disillusioned officials in Russia that included key members of the secret police, the army, and the Interior Ministry. Yakushev said that they all had come to the same conclusion: the Communist experiment in Russia had totally failed and needed to be replaced. To effect this regime change, they had formed an underground organization code-named the Trust, because the cover for their conspiratorial activities was the Moscow headquarters of the Municipal Credit Association, which was a trust company. According to Yakushev's account, it had become the equivalent of a de facto government by 1921.

The exiled leader in Estonia reported this astonishing news to British intelligence, which, along with French and American intelligence, helped fund this newly emerged anti-Communist group. Initially, British intelligence had doubts about the bona fides of the Trust, as did other Western intelligence services sponsoring exile groups. But they gradually accepted it after they received intelligence reports confirming its operations from many other sources, including Russian officials, diplomats, and military officers who claimed to have defected from the Soviet government. Because these reports all dovetailed, they recognized the Trust as a legitimately underground organization.

Once the Trust had been established in the minds of the Western intelligence services, it offered them as well as exile groups the services of its network of collaborators. These services included smuggling out dissidents, stealing secret documents, and disbursing money inside Russia to sympathizers. Within a year, exile groups in

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Paris, Berlin, Vienna, and Helsinki were using the Trust to deliver arms and supplies to their partisans inside Russia. The Trust also furnished spies' and exiled leaders' fake passports, which allowed them to sneak back into Russia to participate in clandestine missions. It even undertook sabotage and assassination missions paid for by Western intelligence services. As they learned of police stations being blown up and political prisoners escaped from prisons, these agents and dissidents came to further believe in the power of the Trust.

By the mid-1920s, no fewer than eleven Western intelligence services had become almost completely dependent on the Trust for information about Russia. They also sent millions of dollars into Russia via couriers to finance its activities.

But suddenly exiled leaders working in Russia under the aegis of the Trust began to vanish. Then top Western intelligence agents, including Sidney Reilly and Boris Savinkov, were arrested, and their networks were eliminated. Instead of the Communist regime collapsing, as the Trust had predicted, it consolidated its power and wiped out all the dissident groups. Finally, in 1929, the Trust was revealed by a defector to be a long-term false flag operation run by the Russian intelligence service. Even the Trust building, rather than being the cover for a subversive conspiracy, was the headquarters for the Russian secret police during this eight-year operation. The secret police had provided the documents fed to Western intelligence, briefed the agents who pretended to defect, published the dissident newspapers the Trust distributed, fabricated the passports it supplied exiles, blew up Russian buildings, and staged jail breaks to make the deception more credible. It also collected the money sent in by Western intelligence services, which more than paid for the entire deception. Because it was running the show, it could offer those lured into the trap an opportunity to work for it as double agents. The alternative, if they refused, was to face a firing squad.

Even after the Trust itself had been fully exposed, the Russian intelligence service continued to succeed with other false flag deceptions. During the Cold War, it set up a fake underground in Poland called WIN, modeled on the Trust. It set up false flag groups in Ukraine, Georgia, Lithuania, Albania, and Hungary. It also had agents mas-

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querade as members of the security services of Israel, South Africa, Germany, France, and the United States to recruit unwitting agents. These deceptions became an integral part of the recruitments of the Russian intelligence services.

Penetrating the NSA and getting access to files from its stovepiped computers was a far more difficult challenge for the SVR. Approaching CIA officers, such as Nicholson, was relatively easy because it was part of the CIA officers' jobs to meet with their adversaries. NSA officers, on the other hand, did not engage in "dangles" or even attend diplomatic receptions. They had no reason, other than a sinister one, to meet with a member of the Russian intelligence service. Furthermore, unlike CIA officers, who, like Nicholson, are often posted in neutral countries where they can be approached in a social context, NSA officers work at well-guarded regional bases and are not part of the diplomatic life. Because a known employee of a foreign diplomatic mission could not even approach an NSA officer without arousing suspicion, the SVR would need to use an intermediary, called an access agent, whose affiliations were not known to the FBI. Such an operation would require establishing a network of illegals in America, as the SVR did after Putin became president. Even then, the intermediary would have to find a plausible pretext to approach the target without revealing his actual interest. Such complex operations at the NSA, as far as is known, only yielded a few low-level recruits.

The emergence of computer networks in the 1990s greatly expanded the SVR's recruiting horizon. It offered a new penetration opportunity at the NSA: civilian technologists working under contract for the U.S. government. Many of these civilians at the NSA, especially the younger ones, as we know, had been drawn from the hacking and game-playing culture; some had even taken courses on hacking techniques. They presented the SVR with inviting targets for recruitment. As was previously mentioned, Russian intelligence had considerable experience in Germany with hacktivists, who tended to be anarchists. There were also supporters of the libertarian movement. The common denominator was often their resentment, expressed in their postings, of the United States and its allies attempting to limit the downloading of copyrighted music, movies,

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and software on the Internet, all of which fell under the rubric of "freedom of the Internet." They also vocally objected to the NSA's using built-in back doors in its software to read their encrypted messages. Such people were not difficult to find on the Internet. The donors to Ron Paul's libertarian election campaign (including Snowden) were a matter of public record.

Even if there was no shortage of hacktivists who believed the surveillance of the Internet by the NSA was an evil worth fighting, the SVR still had to find a plausible way of approaching members of this counterculture without offending them. Clearly, the SVR could no longer use out-of-date Communist and anti-capitalist ideology as a lure. Russia was far more authoritarian than the United States when it came to the Internet. One viable alternative for the SVR was custom-tailoring false flags to appeal to hacktivists.

For this purpose, the Internet provided a near-perfect realm. Because it is a place where true identities cannot easily be verified, intelligence services could employ a protean kit of disguises to assume false identities to entice potential dissidents into communicating with them. The KGB's earlier efforts to use hacktivist groups in Germany had produced little if any intelligence about the NSA because of the stovepiping it used to isolate its computers from networks that could be hacked into from the outside. It will be recalled that the NSA threat officer had cited these failures in his 1996 report on NSA vulnerability. He also said that efforts of the Russian intelligence services to use false flag recruitments provided the KGB with "a learning experience." The KGB had learned that hacking by itself could not breach the NSA's protective stovepiping. He predicted that its next logical move would be to "target insider computer personnel." This false flag recruitment would aim at, in his view, system administrators, computer engineers, and cyber-service workers who either were already inside the NSA or had a security clearance that would facilitate getting jobs with NSA contractors.

Even with an appropriate false flag, the task of finding such a "Prometheus" required obtaining a database of those working at the NSA. There were some five thousand civilian technicians at the NSA of all political stripes. Hacking into the personnel records of the intelligence workers seeking to renew their security clearance

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was a place to begin. The Internet provided the SVR with just this opportunity. As you will recall, holes in the security of the computer networks of the U.S. Office of Personnel Management and USIS and the websites of the companies supplying the NSA with independent contractors had made the background checks on American intelligence workers available to the Chinese, and presumably other adversary intelligence service hackers, since 2011. If the SVR had access to this personnel data, the research for a candidate would be greatly facilitated. From the 127-page Standard Form 86, which each applicant for a security clearance submits, the SVR could filter out intelligence workers employed by the NSA by their educational background, employment history, affiliations, and foreign contacts. It could then search this data for candidates with a possible hacktivist profile.

This data could next be crossed with a list of individuals the SVR knew were in contact with high-profile activists who were part of the anti-surveillance movements. This would include core participants in the Tor Project, WikiLeaks, Noisebridge, CryptoParties, the Freedom of the Press Foundation, and the Electronic Frontier Foundation. (Snowden, for example, had been in touch with members of all these groups in 2012 and 2013.)

The SVR would have little problem monitoring even encrypted communications with leading figures in the anti-surveillance world. These activists, despite secrecy rituals such as putting their cell phones in refrigerators, remain visible to a sophisticated intelligence service such as the SVR. All the defensive tactics of Laura Poitras, including PGP encryption, Tor software, and air-gapped computers (computers that have never been connected to the Internet), did not keep secrets about her sources entirely to herself. Snowden, at a time when he was stealing NSA secrets in February 2013, went to great lengths to impress on Poitras the need for operational security about his contacts with her, but that injunction did not prevent her from telling at least five people about her source, including Micah Lee, the Berkeley-based technology operative for the Freedom of the Press Foundation; Jacob Appelbaum, the Tor proselytizer; Ben Wizner, the ACLU lawyer; Barton Gellman; and Glenn Greenwald. "It is not me that can't keep a secret," Abraham Lincoln joked. "It's the people I

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tell it to that can't." In the same vein, Poitras could hardly rely on these five confidants not to tell her secrets (and Snowden's) to others. Hours after he was told, Greenwald told his lover, David Miranda, about the source in great detail. He even asked him to evaluate the source's bona fides for him. Gellman, for his part, raised the matter with a former high official at the Justice Department.

Moreover, as the intelligence world knew, Poitras was herself a veritable lightning rod for attracting ex-NSA employees who objected to some of its surveillance programs. In 2012, her previously mentioned filming in Berlin of NSA insiders could make her communications of interest to intelligence services that wanted to keep tabs on possible NSA dissidents.

Nor was Snowden himself overly discreet. It will be recalled that he had also advertised his Tor-sponsored CryptoParty activities over the Internet and supplied Runa Sandvik, who worked with Appelbaum, his true name and address in Hawaii. Sandvik had no reason not to share the identity of her co-presenter with others in the Tor movement. Snowden, of course, had his girlfriend make a video of his presentation as well. He also bragged about operating the largest Tor outlets in Hawaii. Even if his Tor software provided him with a measure of anonymity, it was not beyond the ability of the world-class cyber services to crack it.

Under Putin, Russia had built one of the leading cyber-espionage services in the world. According to a 2009 NSA analysis of Russian capabilities, which was obtained by *The New York Times* in 2013, Russia's highly sophisticated tools for cyber espionage were superior to those of China or any other adversary nation. For example, investigators from FireEye, a well-regarded Silicon Valley security firm, found that in 2007 Russian hackers had developed a highly sophisticated virus that could bypass the security measures of the servers of both the U.S. government and its private contractors. According to one computer security expert, the virus had made protected Internet websites "sitting ducks" for these sophisticated Russian hackers. The cryptographer Bruce Schneier, a leading specialist in computer security, explained, "It is next to impossible to maintain privacy and anonymity against a well-funded government adversary."

Nor has the Russian cyber service made a secret out of the fact that

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it targets Tor software. It even offered a cash prize to anyone in the hacking community who could break Tor. Prior to 2013, according to cyber-security experts, it spent over a decade building cyber tools aimed at unraveling the Tor networks used by hacktivists, criminal enterprises, political dissidents, and rival intelligence operatives. To this end, it reportedly attempted to map out computers that served as major Tor exit nodes (such as the one Snowden operated in 2012 near an NSA regional base in Hawaii). It also reportedly attached the equivalent of "electronic ink" to messages, which would allow it to trace the path of messages that passed through them. Through this technology, it could tag and follow Tor users as their communications traveled across the Internet. It could even borrow their Internet identities. To be sure, the NSA also had such a capability. The Silk Road founder, Ross Ulbricht, discovered to his distress that his Tor software did not make his computer server in Iceland invisible. According to a former top official in the Justice Department, the NSA was able to locate it by cracking the Tor software (Ulbricht is currently serving a life sentence for his activities). Unlike adversary services, however, the NSA needs a warrant to investigate U.S. citizens who use Tor.

The NSA is hardly immune from an attack on its own computers. As the former CIA deputy director Morell wrote in his 2015 book, *The Great War of Our Time*, many financial institutions have "better cyber security than the NSA." The Internet certainly helped make the activities of U.S. intelligence workers visible to the SVR.

But to achieve its goals, the SVR still had to find at least one disgruntled civilian contractor inside the NSA who had access to the sealed-off computer networks. Did it find its man? If so, was it before or after Snowden arrived in Hong Kong with the Level 3 NSA files?

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CHAPTER 22

The Chinese Puzzle

> The first [false assumption] is that China is an enemy of the United States. It's not.
>
> —EDWARD SNOWDEN, Hong Kong, 2013

ON AUGUST 11, 2014, in the Atlantic Ocean, an event took place of enormous concern to U.S. intelligence. A Chinese Jin-class submarine launched an intercontinental ballistic missile. The missile released twelve independently targeted reentry vehicles, each simulating a nuclear warhead. Some forty-four hundred miles away, in China's test range in the Xinjiang desert, each of the twelve simulated nuclear warheads hit its target within a twelve-inch radius.

The test firing, which was closely monitored by the NSA, was a strategic game changer. It meant that a single Jin-class submarine, which carried twelve such missiles and 144 nuclear warheads, could destroy every city of strategic importance in the United States. U.S. intelligence further reported that China would soon use stealth technology to make it more difficult to detect newer submarines and give "China its first credible sea-based nuclear deterrent" against an American attack.

By 2015, as its test in the Atlantic had foreshadowed, China had armed its land-based as well as sea-based missiles with multiple

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independently targeted warheads. Combined with the state-of-the-art technology it had licensed from Russia, its systematic use of espionage even made it possible for China to build its own stealth fighters.

Unlike the United States, China did not achieve this remarkable capability to launch independently targeted miniaturized nuclear weapons and stealth them by investing hundreds of billions of dollars in developing them. It obtained this technology mainly through espionage. The Chinese intelligence service stole a large part, if not all, of America's secret technology for weaponizing nuclear bombs during the 1980s and 1990s. The theft was so massive that in 1998 the House of Representatives set up a special bipartisan investigative unit called the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China. Based on the intelligence amassed by the NSA, the CIA, and other intelligence services, it concluded in its report that the Chinese intelligence service had obtained both by electronic and by conventional spying the warhead design of America's seven most advanced thermonuclear weapons. Moreover, it found that espionage successes allowed China to so accelerate the design, development, and testing of its own nuclear weapons that the new generation of Chinese weapons would be "comparable in effectiveness to the weapons used by the United States." Further, the committee reported that these thefts were the "results of decades of intelligence operations against U.S. weapons laboratories." The Chinese intelligence service further obtained from private U.S. defense contractors through cyber espionage important elements of the stealth technology used in advanced planes and submarines. China shared (or exchanged) the fruits of its espionage on nuclear warhead design with North Korea, Pakistan, Iran, and Russia.

Despite its formidable intelligence coups in the United States, the Chinese intelligence service managed to remain among the most elusive of America's intelligence adversaries. Its espionage organizations are hidden behind layers of bureaucracy in the Ministry of State Security, Chinese Communist Party structures, and the second, third, and fourth department of the General Staff of the People's Liberation Army. Much of its cyber-espionage units are concealed

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on the campuses of its universities. Its hierarchy is also obscure. Few traces have been uncovered of any conventional espionage networks in the United States, and no major Chinese spy has ever been arrested. Part of the reason that Chinese espionage has proved so elusive to the eyes of Western counterintelligence is that, unlike Russia, it did not ordinarily rely on intelligence officers in its embassies to recruit penetration agents to steal secrets. It did not even have an embassy in the United States during most of the Cold War. Instead, its services specialize in mosaics of intelligence assembled from a wide variety of sources, including nonclassified documents, returning graduate students, scientific conferences, exchanges with allies, and a vast operation of hacking into computers, or cyber espionage.

Such espionage is indeed a vast enterprise in China. Graduating over 150,000 computer science engineers in the 1990s, it had no shortage of personnel. It had also developed the cyber tool kit to gain access to the computer networks of U.S. government contractors and consultants in the private sector and government agencies, planting "sleeper" bugs in networked computers. Like human sleeper agents, these hidden programs can be activated when needed for operational purposes. Chinese controllers can often retrieve e-mails and documents and can turn on the cameras and microphones of personal computers, tablets, and smart phones.

By 2007, Paul Strassmann, a top U.S. defense expert on cyber espionage, reported that China had inserted "zombie" programs in some 700,000 computers in the United States, which could be used to mount cyber attacks to retrieve e-mails from other computers. The Chinese service also reportedly penetrated companies that provide Internet services, including Google, Yahoo!, Symantec, and Adobe, which allowed it to track e-mails and enclosures of individuals. With such an invisible army of zombie computers, it is not entirely surprising that China finds little need to employ human sleeper agents.

Chinese cyber specialists used this capability to hack into the computers of outside contractors, including Booz Allen and other companies that supplied technologists to the NSA. It also had notable successes in obtaining the dossiers of U.S. employees and independent contractors at the NSA, the CIA, and other intelligence services. Its intrusions, as previously noted, into computer networks

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at the Office of Personnel Management traced back to 2009. Eventually, by 2015, according to U.S. estimates, the cyber attack had harvested over twenty million personnel files of past and present federal government employees. In addition, it reaped over fourteen million background checks of intelligence workers done by the Federal Investigative Services.

All intelligence workers with a sensitive compartmented information clearance, such as Snowden, were required to provide information on these forms about all their foreign acquaintances, including any non-U.S. officials whom the applicant knew or had had relationships with in the past. They also had to list their foreign travel, family members, police encounters, mental health issues, and credit history. For good measure, Chinese hackers obtained the confidential medical histories of government employees by hacking into the computers of Anthem and other giant health-care companies. If China's intelligence services consolidated the fruits of these hacking attacks, it would have a searchable database of almost everyone working in the American defense and intelligence complex. From this database, it could track individuals with high security clearances vulnerable to being bribed, blackmailed, or tricked into cooperating. No one doubted that the Chinese would use their cyber capabilities to take advantage of opportunities presented in foreign computer systems.

General Hayden said of the massive theft of intelligence personnel records, "Those records are a legitimate foreign intelligence target." He added, "If I, as director of the NSA or CIA, would have had the opportunity to grab the equivalent in the Chinese system, I would not have thought twice." If that opportunity did not arise for the NSA or the CIA during Hayden's tenure, it might have been because no insider in the Chinese intelligence services provided U.S. intelligence with a road map to it.

Cyber espionage was not the Chinese intelligence service's only powerful resource in the intelligence war. To get both electronic intelligence and human intelligence about the United States, China also had a highly productive intelligence-sharing treaty with Russia. It was signed in 1992 after the Soviet Union was dissolved. Although the terms of this exchange remain secret, defectors from the Rus-

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sian KGB and SVR reported that Chinese intelligence received from Russia a continuous stream of communications intelligence about the United States in the late twentieth and early twenty-first centuries. Russia's intelligence resources during this period were formidable. They included geosynchronous satellites, listening stations in Cuba, sleeper agents, and embassy-based spy networks. Presumably, this relationship further deepened under President Putin's regime. Putin asserted in speeches in 2014 that Russia and China continued to share a key strategic objective: countering the United States' domination of international relations, or what Putin terms "a unipolar world order." China's president, Xi Jinping, expressed a very similar view, saying in 2014 in a thinly veiled reference to the United States that any attempt to "monopolize" international affairs will not succeed.

Since the end of the Cold War, Russia has been the major supplier of almost all of China's modern weaponry. It licenses for manufacture in China avionics, air defense systems, missile launchers, stealth technology, and submarine warfare equipment. To make these arms effective, it also provides China with up-to-date intelligence about the ability of the United States and its allies to counter them. While such intelligence cooperation may be limited by the reality that China and Russia still compete in many areas, they still have reason to share much of the fruits of their cyber and conventional espionage against the NSA in accordance with their intelligence. After all, the NSA works to intercept the military and political secrets of both these allies. Moreover, as the CIA's former deputy director Morell points out in his book, NSA secrets are a form of currency for adversaries in the global intelligence war, saying that part of Snowden's cache could be traded by a country that acquired it to the intelligence services of Iran and North Korea.

Snowden's stay in Hong Kong from May 20 to June 23 in 2013 made the Chinese intelligence service, willy-nilly, a potential player in whatever game he was involved in. China's full responsibility for Hong Kong's national security and foreign affairs includes monitoring foreign intelligence operatives. Chinese intelligence main-

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tains there its largest intelligence base outside mainland China. A large contingent of its officers are stationed officially in the Prince of Wales skyscraper in central Hong Kong and unofficially maintain informers in Hong Kong's police, governing authority, airport administration, and other levers of power. It checks the computerized visitors entering Hong Kong and has the capability to ferret names that match those in the immense database its global cyber espionage has amassed. When it detects the entry of any person of possible intelligence interest, it can use its sophisticated array of cyber tools to attempt to remotely steal data from that individual. Such remote surveillance was so effective in 2013 that the U.S. State Department had instructed all its personnel in Hong Kong to avoid using their iPhones, Androids, BlackBerry phones, and other smart phones when traveling to Hong Kong or China. Instead, it supplied them with specially altered phones that disable location tracking and have a remotely activated switch to completely cut off power to its circuitry. No one in the intelligence community doubts the prudence of taking such precautions in China, and it is nearly inconceivable that Snowden, whose prior position at the NSA included teaching military personnel about Chinese capacities, could himself be unaware of Chinese intelligence service capabilities to acquire travelers' data in Hong Kong.

Once Hong Kong had served as a window into China for Western intelligence, but in the first decade of this century the Chinese intelligence service had achieved such a pervasive presence in Hong Kong, and such ubiquitous electronic coverage of diplomats and other foreigners even suspected of involvement in foreign intelligence work, that the CIA and British intelligence found it almost as difficult to operate in Hong Kong as in mainland China. Even though the CIA kept officers there in 2013, it was considered "hostile territory," according to the former CIA officer Tyler Drumheller.

Snowden apparently knew the limits of CIA operations in Hong Kong, which provided him with an envelope of protection. He told Greenwald that he was counting on the Chinese presence in Hong Kong to deter the CIA from intruding on their meetings.

When he flew to Hong Kong in May 2013, he took with him NSA secrets, which he knew would be of great interest to China.

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In fact, he advertised that he had such secrets in his interview with the *South China Morning Post*. Whatever he might have assumed about the inability of the CIA to stop him in Hong Kong, he could not assume that Chinese intelligence services would relegate themselves to a purely passive role when secret NSA documents were in a hotel room in Hong Kong. Snowden might have esteemed himself to be an independent actor playing Prometheus on a global stage provided by YouTube, but the Chinese might have viewed him very differently indeed.

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CHAPTER 23

A Single Point of Failure

> A single point of failure (SPOF) is a part of a system that, if it fails, will stop the entire system from working.
>
> —*Wikipedia*

SNOWDEN DESCRIBED anyone who was the sole repository of secrets that could undo the NSA's intelligence gathering as "the single point of failure." While still shielding his own identity in May 2013, he wrote to Gellman that U.S. intelligence "will most certainly kill you if they think you are the single point of failure that could stop this disclosure and make them the sole owner of this information." Such a person of course would be of even greater interest to adversary intelligence services if they were aware of the payload of secrets that person was carrying because they could use it to unravel the NSA's sources and methods.

Snowden saw himself as that "single point of failure." We know that while still in Hong Kong he said he had obtained access to computers that the NSA had penetrated throughout the world and in Moscow he added that he had had "access to every [NSA] target, every [NSA] active operation," against the Chinese. "Full lists of them," which, if he chose to share them, could make China "go dark." To be sure, he did not refer to Russian intelligence activity in

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any interview that he ever gave in Moscow under Russian protection, but he had similar access to NSA operations against Russia in his job at the NSA's Threat Operations Center.

The enormous power of the NSA rested in its ability to keep its sources and methods secret from its foes. A queen on the chessboard could be captured by a lowly pawn if it was well-placed. In this case, the person who had it in his power to expose the NSA's critical sources and methods would no doubt be considered fair game by America's adversaries, including the Chinese and Russian cyber services. Indeed, how could they resist such a prize?

Snowden might have believed that he was in control, but the CIA believed that confidence was misinformed. "Snowden thinks he is smart," Morell said, after reviewing the case on a panel appointed by President Obama, "but he was never in a position in his previous jobs to fully understand the immense capabilities of our Russian and Chinese counterparts." He could adopt a cocky tone in his postmortem conversations with journalists in Moscow, but in truth he had no means to block the efforts of the Chinese or Russian services in Hong Kong. Even before Snowden contacted its diplomats in Hong Kong, the Russian intelligence service would swing into action to determine his intelligence value.

How many days he planned to be in Hong Kong depended on how speedily he could arrange a meeting with journalists. "The purpose of my [Hong Kong] mission was to get the information to journalists," he told the editor of *The Guardian* after he was safely ensconced in Moscow. He indicates that he was working under a tight clock. The time pressure resulted in his e-mailing an ultimatum to Gellman on May 24: either Gellman would publish the selected documents in *The Washington Post* within seventy-two hours, or he would lose the exclusive scoop. Snowden wanted the story to break on May 27, without his true identity (which Gellman did not know) attached to it. His identity would be known to a foreign mission in Hong Kong if Gellman acceded to his demands, because, as previously mentioned, Gellman's story would enclose an encoded signal he planned to use as proof of his bona fides. So even before the *Guardian* reporters had agreed to come to Hong Kong, Snowden had plans to deal with a foreign mission. If the *Post* had accepted his terms, Snowden would

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have been in a very different position. The story would have broken before Poitras or Greenwald even knew about Snowden's presence in Hong Kong, and his identity would be secret except for whatever foreign mission he had contacted. But, as we know, the *Post* turned down his ultimatum.

Time was running out if he was to break the story and leave Hong Kong before the NSA realized he was missing. At best, he was safe until June 3, when he was supposed to return from his medical leave. If he failed to show up in Hawaii on June 3, alarm bells at the NSA would go off, and it would not take long to find him. Airline records would show that he had flown to Hong Kong. Snowden told Poitras that NSA security would ask, "This guy isn't where he says he's supposed to be. He's supposed to be getting medical treatment. Why the hell is he in Hong Kong?" It would not take long to determine that he had lied about his medical treatment, and then the hunt would begin.

He had, remember, already sent Poitras an enciphered file and told her she would get the key once she followed his instructions. Greenwald had still not committed himself to meeting Snowden. Greenwald was, however, willing to publish the documents once Snowden provided them. That Snowden remained in Hong Kong suggests that his reason for going to and remaining in Hong Kong went beyond just delivering documents to journalists, which he could have done over the Internet. What he could not do in America, without risking arrest, was to make and release a video.

In any event, after his attempt to pressure the *Post*, Snowden asked Greenwald to fly immediately to Hong Kong. Presumably, he still wanted Greenwald's story and the video done in Hong Kong before he became a suspect. If Greenwald and Poitras had immediately flown to Hong Kong, it still might have left Snowden an escape window.

But of course things do not always go as planned. Greenwald, although agreeing to come to Hong Kong, waited in New York for two days while the *Guardian* editors completed their due diligence. Poitras waited with him. As a result of this delay, as we know, Greenwald and Poitras did not arrive at his hotel in Hong Kong until June 3, only hours before Snowden became suspect at the NSA. "It

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was a nervous period," Snowden recalled. Although he bravely told *The Guardian* "there was no risk" that the information he carried had been compromised by other parties in Hong Kong, that claim was, at best, wishful thinking on his part.

By this time, he had registered at the hotel under his true name and provided his credit card; he was in contact with three high-profile journalists, two well-known hacktivists, and, as he suggested to Gellman, a foreign diplomatic mission.

The mission's interest would likely be piqued when the newspaper published its first story on June 6. Greenwald then went on TV in Hong Kong, revealing to every interested intelligence service that a defector from the NSA was in Hong Kong providing secret documents.

Poitras released the famous video showing Snowden and secret NSA documents three days later. At this point, Snowden shone brightly as a beacon to NSA secrets to every player in the intelligence game, even if they did not know the extent of the damage he could inflict on American intelligence.

Snowden fogged over his travel plans to the media by telling reporters that he intended to remain in Hong Kong and fight extradition, but certainly the Russian officials whom he contacted became aware that he had other plans, having relayed his request to go to Russia to their superiors in Moscow. And, unlike the media, any sophisticated intelligence service was well aware of his movements. In Hong Kong, cell phones emit their GPS location every three seconds; even if Snowden disabled his own phone, lawyers and helpers could be tracked with ease.

China's president, Xi Jinping, who was meeting President Obama for the first time in Rancho Mirage, California, on June 8, would have been keenly interested in the unfolding Snowden affair. Obama had publicly called Xi to task for Chinese cyber espionage, and now that charge was undermined by Snowden's accusation that the United States was engaged in massive cyber espionage. U.S. intelligence verified that China instituted a full-court press of Snowden in Hong Kong immediately after the release of the video. From that moment on, any communication or movement Snowden made

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during his next fifteen days in Hong Kong would not likely escape China's scrutiny.

The United States had the ability to also follow Snowden's movements via the cell phones of his lawyers and other confederates after he surfaced. All tracking could be done by the NSA. What the United States lacked was any practical means to capture a high-profile intelligence defector in a city that was part of China. By this time, U.S. intelligence had established that Chinese and Hong Kong security services were monitoring Snowden's every move. This left few options in the game for the United States. "I'm not going to be scrambling jets to get a twenty-nine-year-old hacker," President Obama said on June 27.

The real prize, in any case, was not Snowden but the NSA's secret documents that he had with him. When Snowden was observed entering the Russian consulate, the game was all but over. U.S. diplomats could protest over back channels to Moscow, as they did, but with a trove of NSA secrets at stake there was little expectation that would stop the Russians. Two days later, the "single point of failure," as Snowden described himself, was on his way to Russia, where his hosts would be calling the shots.

When a victory is obtained in a major sports event, it is cause for public celebrations. The opposite is true in espionage. An intelligence victory involving secret documents, even if it cannot be entirely hidden, is kept veiled, as far as is possible, to increase the value of the coup. "The final move in any sophisticated intelligence game," Angleton told me in relation to espionage intelligence, is "obscuring a success."

Following Angleton's precept, the Russian or Chinese intelligence services, if they had a role in acquiring the product of the self-described "single point of failure," would work to cover their tracks in the affair even before the Aeroflot plane carrying Snowden touched down at Sheremetyevo International Airport on June 23. If any false flag operations had been used to trick, mislead, or otherwise induce Snowden to come to Hong Kong, they would be disbanded. If any safe house had been used to quarter Snowden in his first eleven days in Hong Kong, it would be shut down. If any operatives had been

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used in Hawaii to guide or assist Snowden, they would be put back into sleeper mode. If any telltale traces had been left in chat rooms or social media, they would be systematically deleted. Even more important to the ultimate success of such a communications intelligence coup, measures would be taken to conceal the extent of the damage done by the "single point of failure" by not precipitously closing down compromised sources. Snowden might believe that the power of the information he held was so great that if disclosed by him, all the NSA's sources would immediately go dark in Russia and China, but Russia might not wish to provide such clarity to its adversaries. An intelligence service need not close down channels it discovers are compromised by an adversary. Instead, it can elect to continue to use them and furnish through them bits of sensitive or misleading information to advance its own national interest. The real danger here was not that the NSA's "lights" would dramatically be extinguished but that all the future messages illuminated by those lights would be less reliable sources of intelligence. The game of nations is, after all, merely a competition among adversaries to gain advantages by the surreptitious exchange of both twisted and straight information.

To review: When the NSA asserted in the summer of 2013 that over one million documents had been compromised, it was recognizing the most massive failure in its sixty-year history. Not only were NSA secrets taken, but secret files from the CIA, the British GCHQ, and America's cyber military commands had been compromised. It was, as Sir David Omand, the former head of the British GCHQ, described it, a "huge strategic setback" for the West. The genie could not be put back into the bottle. There is not a reset button in this game. The best that the NSA could do now was damage control while its adversaries took full advantage of the setback. Several hundred U.S. and British intelligence officers worked around the clock in Washington, D.C., Fort Meade, Maryland, and Cheltenham, England, for months on end to determine which parts of the most powerful communications intelligence system in the world could be salvaged from what had been the Snowden breach.

Adding insult to injury, Snowden, speaking from his new perch in Moscow, told applauding audiences that the entire purpose of

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the U.S. exercise, including deliberately "trapping" him in Moscow, was to "demonize" him. "There was no question that I was going to be subject to a demonization campaign." Snowden said in Moscow, "They [Greenwald and Poitras] actually recorded me on camera saying this before I revealed my identity." Snowden asserted this "demonization" was to divert attention from the government's own crimes. By providing Snowden with this platform to rail against the putative machinations of the United States, Putin laid claim to the moral high ground.

Snowden's motive in requesting documents from other foreign intelligence services, such as the GCHQ, and copying lists of NSA sources remains unexplained. It is difficult to believe that his motive was whistle-blowing, because these documents were not among those he gave to journalists in Hong Kong. Indeed, he did not provide the journalists with the lists of sources that were particularly relevant to the NSA's surveillance of Russia. His legal representative in Moscow, Kucherena, confirmed that Snowden had taken secret "material" to Russia and had access to NSA documents that he had not given to journalists. Those unrevealed documents would be prized by many an adversary service. Did he use those documents as leverage in his transformation? The role that Moscow might have played in Snowden's defection clearly requires a closer examination of the machinations that brought Snowden to Russia. That is why I visited Moscow in October 2015.

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PART FOUR

MOSCOW CALLING

Deception is a state of mind—and the mind of the state.

—JAMES JESUS ANGLETON

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CHAPTER 24

Off to Moscow

> They talk about Russia like it's the worst place on earth. Russia's great.
>
> —EDWARD SNOWDEN, Moscow, 2015

BEFORE FLYING TO MOSCOW, I arranged to have dinner with Oliver Stone at an Italian restaurant on the Upper East Side of New York. I had greatly respected Stone's ability as a film director after watching him work on *Wall Street: Money Never Sleeps*, a film in which I had a cameo role. I had also debated Stone about the historical accuracy of his 1991 movie *JFK* at Town Hall in New York.

When we dined, he had just written, produced, and directed *Snowden*, an independently financed film depicting Snowden, as Stone put it, as "one of the great heroes of the twenty-first century." In preparing for it, Stone had seen Snowden in 2013 and 2014 and had had a six-hour meeting with Putin.

I wanted to talk to Stone not to learn about the film but to learn how he had gained access to Snowden in Moscow. I knew from the documents taken from Sony Pictures Entertainment—allegedly by North Korea—that Stone had paid *The Guardian* $700,000 for the film rights to *The Snowden Files*, a book written by Luke Harding.

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These documents also revealed that Stone had paid Anatoly Kucherena, Snowden's legal representative in Moscow, $1 million, supposedly for the rights to his novel, *Time of the Octopus*. Even by Hollywood standards, $1 million was an extraordinary sum to pay for a yet-to-be-published work of Russian fiction, and it was especially striking because Stone was making a fact-based movie using the actual names of the characters, and he had already bought the rights to *The Snowden Files*.

"Is your script based on Kucherena's *Time of the Octopus*?" I asked.

"No," Stone replied. "I haven't used it."

He said that the payment was for what he termed "total access." He explained that Barbara Broccoli and Michael G. Wilson, the producers of the James Bond franchise, had optioned Greenwald's book *No Place to Hide* to make into a movie about Snowden for Sony. Stone said that the million-dollar deal with Kucherena effectively guaranteed that any competing project would not have access to Snowden. Sony consequently put the competing film on hold.

Lawyers often negotiate deals on behalf of a client, but blocking a competing film requires considerably more influence with the powers that be in Russia. Kucherena, though, was no ordinary lawyer. Among other influential positions, I noted earlier, he was on the public board of the Russian federal security bureau, which had assumed the domestic operations of the defunct KGB in April 1995. In light of such connections, Stone said Kucherena might be acting as an intermediary for other parties who controlled access to Snowden in Russia. In any case, his concern was making a movie, and Kucherena delivered the exclusive access to Snowden.

Aside from being a skilled director, Stone is a shrewd producer who knows how to close a deal. He assessed, correctly as it turned out, that his project coupled with the payment to Kucherena would effectively block Sony's competing project. Where the money went was far less clear.

Toward the end of our dinner, Stone told me that he did not know I was writing a book about Snowden until a few weeks earlier. He learned of my book from Snowden himself. He said Snowden had

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expressed concern to him about the direction of the book I was writing. "What is it about?" Stone asked me.

I was taken aback. I had no idea that Snowden was aware of my book. (I had not tried to contact him.) I told Stone that I considered Snowden an extraordinary man who had changed history and was intentionally vague in my description of my book's contents. Stone seemed to be reassured, so I asked him about the possibility of my seeing Snowden in Moscow. He said that I "might want to speak to Anatoly [Kucherena]." Kucherena, it seemed to me, was clearly Snowden's gatekeeper.

In Snowden's two years in Moscow, he, or his handlers, had granted only a handful of face-to-face press interviews. Most of these were with the journalists who had published his story, but one was with James Bamford for his 2014 *Wired* piece. According to Bamford, it took nearly nine months to arrange the meeting. "I have been trying to set up an interview with him [Snowden]—traveling to Berlin, Rio de Janeiro twice, and New York multiple times to talk with the handful of his confidants who can arrange a meeting," Bamford recounted in *Wired*. After my dinner with Stone, I hoped to find a quicker route.

I was advised by a Moscow-based journalist that I needed a "fixer," the curious term that journalists commonly use to describe a local intermediary who arranges appointments in foreign countries. I retained Zamir Gotta, a highly respected TV producer in Moscow, who I was told had helped "fix" the Bamford interview with Snowden.

"There is only one door to Snowden," Zamir wrote to me. "His name is Kucherena." Zamir said Kucherena rarely saw journalists, but he had a contact in his office. He further told me Kucherena required any journalist seeking an interview with Snowden to submit his questions to the lawyer two weeks in advance and, if approved, to sign a document stating he would not deviate from the questions. Next, my questions had to be translated from English to Russian (even though Snowden does not speak Russian) and then vetted by Kucherena's staff. Zamir also suggested I stay at the Hotel National in Red Square because Snowden had gone there for pre-

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vious meetings with Bamford. So I sent Kucherena, via Zamir, ten questions that I wanted to ask Snowden.

I next obtained a multi-entry Russian visa from the Russian consulate in New York and booked myself a room in the Hotel National.

My night flight from New York to Moscow took just less than eight hours and landed at Terminal D of Sheremetyevo International Airport at 7:40 a.m. on October 29, 2015. I did not immediately proceed through passport control, in part because I wanted to explore the transit zone in which Snowden was supposedly trapped for six weeks.

Sheremetyevo Two, where all international flights land, was built in the waning days of the Cold War for international passengers arriving for the Moscow 1980 Summer Olympics. It was modernized in 2010, including opening a walkway that connects Terminals D, E, and F for transit passengers.

Snowden had vanished, at least from public view, in this complex of terminals for nearly six weeks in the summer of 2013. His explanation to journalists, as will be recalled, was two part. First, he said he had planned to board the next fight to Cuba and from there proceed to Ecuador. He said that he was unable to board this flight because his passport had been invalidated by the U.S. government while he was flying to Russia. Second, after discovering his passport had been revoked, he stayed in a capsule hotel in the transit zone for the next thirty-nine days. To better understand the plausibility of his version of those events, I proceeded through the transit passage to Terminal F, where Snowden's plane from Hong Kong had landed at 5:15 p.m. Moscow time on June 23, 2013.

Snowden did not go through passport control upon arrival. Before any of the other passengers were allowed to disembark from the plane, Russian plainclothes officers from the special services boarded the plane and asked both Snowden and Sarah Harrison, his WikiLeaks-supplied "ninja," to accompany them to a waiting car that whisked them away. According to the account in *Izvestia*, "A special operation was conducted for his reception and evacuation." It further said, "Snowden's flight to Moscow was coordinated with the Russian authorities and intelligence services."

If not for the "special operation," he could have easily gone by foot

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to Terminal E. It is a nine-minute walk through the transit passageway. Snowden, though, had one good reason for not going to Ecuador, even if Russia had permitted it. He believed that he would be vulnerable to rendition by the U.S. government in Ecuador. "If they [the U.S. government] really wanted to capture me, they would've allowed me to travel to Latin America, because the CIA can operate with impunity down there," he explained in the previously cited interview with Katrina vanden Heuvel, the editor of *The Nation*, in 2014. He had already discussed the likelihood of his being captured in Ecuador with Assange before his departure for Moscow. He later told Alan Rusbridger, the editor of *The Guardian*, that he considered himself at risk in Latin America. So why would Snowden, who told Greenwald that his "first priority" was his own "physical safety," leave the comparative safety of Russia to put himself in jeopardy in Ecuador?

He had not obtained a visa to Ecuador at its consulate in Hong Kong, as Kucherena confirmed. The Ecuador destination was, as we have seen, a cover story put out by Assange and his associates, and it worked with the press.

Over a hundred reporters and photographers scrambled aboard Aeroflot Flight SU150 to Cuba the next morning in response to this anonymous tip on a website, but Snowden was not aboard that flight and was not seen in Terminal E. By the time the plane landed in Cuba, Aeroflot denied that anyone named Snowden had ever been booked on any of its flights to Cuba, a denial it continued to repeat to every reporter who queried the airline for the next six weeks.

The first news that Snowden was still in Russia came on July 1, 2013. A statement posted on the WikiLeaks website—and signed "Edward Snowden"—after thanking "friends new and old" for his "continued liberty," accused President Obama of pressuring "leaders of nations from which I have requested protection to deny my asylum petitions." It added, "This kind of deception from a world leader is not justice, and neither is the extralegal penalty of exile. These are the old, bad tools of political aggression." In fact, Snowden had not suffered a "penalty of exile," because his passport was still valid for returning to the United States, but that was not an option for him as the statement made clear.

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Because the Aeroflot flight to Cuba was the only means of getting directly from Moscow to Latin America, Russian reporters, encouraged by WikiLeaks posts, continued taking the daily eleven-hour flight to Cuba until August 1. The charade only ended when Kucherena said in a press conference at the airport that Snowden would be taking up residency at an undisclosed location in Moscow and walked out of the airport with Snowden.

Sarah Harrison, Snowden's companion on the plane to Moscow, told *Vogue* that she and Snowden for thirty-nine days had shared a windowless room in the transit zone of the airport where they watched TV, washed their clothes in a sink basin, and ate meals from the nearby Burger King. The only hotel with windowless rooms in the transit zone in 2013 was the Vozdushny V-Express Capsule Hotel, located next to a newly opened Burger King.

The polite V-Express desk clerk, who spoke English, showed me the standard windowless double room. It was approximately twenty-four square feet in area. Most of the floor space was taken up by twin beds. Across from the bed, behind a plastic curtain, was a stall with a shower, a toilet, and a sink. It would be very cramped quarters for two people to share for such an extended period. It cost 850 rubles an hour (about $18 in 2013). For thirty-nine days, that hourly charge would have added up to $16,600. Snowden claimed to the BBC that he brought a large cache of cash to Russia, which he could have used to pay the hotel. But such a long stay was not allowed, according to the desk clerk. The maximum stay allowed by the hotel was twenty-four hours. So either the rule was waived for Snowden, or Harrison did not tell the full truth.

I learned from a former KGB officer that there are VIP quarters beyond the confines of the airport, including suites at the four-hundred-room Novotel hotel, which is located about seven miles away, that are used for debriefing and other purposes by the security services. According to him, the security services are not restricted from entering and leaving the transit zone.

The possibility that Snowden was staying elsewhere would help explain the futile search for him by a large number of reporters over those thirty-nine days. When they learned from tweets that Snowden was not aboard the plane to Havana on June 24, for weeks

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they aggressively questioned all the restaurant employees, security guards, and airport personnel they could find. They also bought business-class tickets on flights just to gain access to VIP lounges in the transit zones. Despite this intensive search, none of them found a single person who had seen Snowden, although his image was constantly shown on airport TV screens. Egor Piskunov, a reporter for RT television, even rented a room in the V-Express Capsule Hotel and "tipped" hotel employees, trying, without success, to get information. Piskunov told me, "It was a total vanishing act."

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CHAPTER 25

Through the Looking Glass

There's definitely a deep state. Trust me, I've been there.

—EDWARD SNOWDEN, Moscow, 2014

WHILE WAITING to hear back from Kucherena's office, I arranged to meet with Victor Cherkashin, who had been one of the most successful KGB spy handlers in the Cold War. Cherkashin, born in 1932, had served in the KGB's espionage branch from 1952 until 1991 and now operated a private security firm in Moscow. I was particularly interested in his recruitment of three top American intelligence officers: Aldrich Ames of the CIA, Robert Hanssen of the FBI, and Ronald Pelton of the NSA. I hoped that seeing these intelligence coups through the eyes, and mind-set, of their KGB handler might provide some historical context for the Snowden defection. So I invited Cherkashin to lunch at Gusto, a quiet Italian restaurant, located near the Chekhov Theater in Moscow.

Cherkashin, a tall thin man with silver hair, showed up promptly at 1:00 p.m., wearing an elegant gray suit and dark tie. He walked with a spry step. Because he had served in counterintelligence in the Soviet embassy in Washington, D.C., for nearly a decade, he spoke flawless English.

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I began by asking him about one of the more celebrated cases he had handled for the KGB, that of Ames, who had acted as a Russian mole in the CIA between April 1985 and January 1994. In those nine years, he rose, or was maneuvered by the KGB, into a top position in the CIA's highly sensitive Counterintelligence Center Analysis Group, which allowed him to deliver hundreds of top secrets to the KGB. In return, according to Cherkashin, Ames received between $20,000 and $50,000 in cash for each delivery, which amounted to $4.6 million over the nine years.

I asked Cherkashin about the weakness the KGB looked for in an American intelligence worker that might lead him to copy and steal top secret documents. How did he spot a potential Ames? Was it a financial problem? Was it a sexual vulnerability? Was it an ideological leaning?

"Nothing so dramatic," he answered. When assessing Ames's biographical data, Cherkashin said he was looking for a well-placed intelligence officer who was both dissatisfied with and antagonistic to the service for which he worked.

"The classic disgruntled employee," I interjected.

"Any intelligence officer who strongly feels that his superiors are not listening to him, and that they are doing stupid things, is a candidate," he continued. He said he had found that the flaw in a prospect that could be most dependably exploited was not his greed, lust, or deviant behavior but his resentment over the way he was being treated.

"Is that how you spotted Ames?"

"Actually, he approached us, not vice versa." It was his job in the CIA to approach opposition KGB officers. "But, yes, we saw the potential," he said.

Because Ames had been paid $50,000 in cash by Cherkashin for his first delivery, I asked whether he fit into the category of a disgruntled employee.

"Wasn't he just a mercenary?" I asked.

"I knew from our intelligence reports that he needed money for debts stemming from his divorce," he answered. "But he was also angry at the stupidity and paranoia of those running the CIA. Ames told me at our first secret meeting that they were misleading

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Congress by exaggerating the Soviet threat." Cherkashin evaluated Ames as a man who felt not only slighted by his superiors but "helpless to do anything about it" within the bureaucracy of the CIA. "The money we gave, even if he could spend only a small portion of it, gave him a sense of worth." He explained that the KGB had an entire team of psychologists in Moscow that worked on further exploiting Ames's resentment against his superiors.

The search for an adversary intelligence officer who resents his service was not limited to KGB recruiters. It was also the "classic attitude" that the CIA sought to exploit in its adversaries, according to a former deputy director. "You find someone working for the other side and tell him that he is not receiving the proper recognition, pay, and honors due him," Morell said, pointing out that the same "psychological dynamic" could be used to motivate someone to "act alone" in gathering espionage material.

I next turned to an even more important KGB coup with Cherkashin: the Robert Hanssen case. From the KGB's perspective, Hanssen was an extraordinary espionage source. He was a walk-in who never entered the Soviet embassy or met with KGB case officers, but in working as a KGB mole between 1979 and 2001, he had delivered even more documents to the Russian intelligence services than Ames. Cherkashin learned of this potential spy when he received an anonymous letter from him identifying an FBI source in the Soviet embassy. When that tip proved to be accurate, Cherkashin got the resources he needed from the KGB to develop this source. From the start of his work for the KGB, Hanssen laid down his own rules. The KGB would deliver cash from which all the fingerprints were removed to locations, or "dead drops," he specified. He would deliver documents exposing FBI, CIA, and NSA sources and methods in another dead drop. The KGB would precisely follow his instructions.

Cherkashin told me that Hanssen's "astounding self-recruitment" was executed in such a way that the KGB never actually controlled him. "He was our most important mole and we didn't ever know his identity, where he worked, or how he had access to FBI, CIA, and NSA files." Even so, the KGB (and later the SVR) paid him $600,000 in cash. In return, the anonymous spy delivered twenty-seven com-

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puter disks containing hundreds of secret documents revealing the sources and methods of American intelligence. According to Cherkashin, it was the largest haul of top secret documents ever obtained by the KGB (although it was only a small fraction of the number of top secret NSA, Department of Defense, and CIA documents taken by Snowden in 2013). Cherkashin told me the price paid by Moscow was a great bargain because it helped compromise "the NSA's most advanced electronic interception technology," including a tunnel under the Soviet embassy.

Yet it was only after newspapers reported that Hanssen had been arrested by the FBI in February 2001 that Cherkashin learned the name and position of the spy he had recruited. Cherkashin told me that what mattered to the KGB was not "control" of an agent but the value of the secrets he or she delivered. "Control is not necessary in espionage as long as we manage to obtain the documents." So in the eyes of the KGB, anyone who elected to provide it with U.S. secrets was a spy.

"All we knew was that he delivered valuable documents to us and asked for cash in return," he said. "We didn't control him; he controlled us."

An uncontrolled mole who provided secrets to the KGB and the SVR for twenty-two years was very different from fictional moles in the spy movies. I asked whether it would have been better if the KGB had him under its control.

"Possibly," Cherkashin answered. "But as it turned out, Hanssen was by far our most valuable penetration in the Cold War."

"Could Hanssen really be called a mole?" I asked.

"A 'mole' is a term used in spy fiction," he said. "We prefer the more general term 'espionage source.' "

"So anyone who delivers state secrets to the KGB, for whatever reason, is an espionage source?" I asked.

"Certainly, if the information is valuable to us," Cherkashin answered.

"If some unknown person simply delivered a trove of top secret communications secrets to the doorstep of Russia, would it be accepted?" I asked with Snowden in mind.

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"I can't say what the SVR would do today. I am long retired," he said, with a nostalgic shake of his head. "But in my day, we needed some reason to believe the gift was genuine."

"Would you need to vet the person delivering it?"

"With Hanssen we did not have that opportunity," he said. "If we believed the documents were genuine, we would of course grab them."

The final recruitment I asked Cherkashin about was that of Ronald Pelton, the civilian employee of the NSA who had retired in 1979. Pelton had left the NSA without taking any classified documents with him. After retiring, he had financial difficulties, and he sought to get money from the KGB. On January 14, 1980, he walked into the Soviet embassy in Washington, D.C., and asked to see an intelligence officer. After he was ushered into a secure debriefing room, he said that he had information that Russia would find interesting, but he wanted money in return. What interested me about the Pelton case was that Cherkashin proceeded to recruit Pelton, even though he was no longer working at the NSA and no longer had access to the NSA. In addition, because the FBI had twenty-four-hour surveillance on the embassy, Pelton had almost certainly been photographed entering it and had also possibly been recorded asking for an intelligence officer by electronic bugs that the KGB suspected the NSA had planted there. What did the KGB do in a situation in which a former civilian employee at the NSA possessed no documents?

Despite the risks involved, Cherkashin decided Pelton had to be debriefed by communications intelligence specialists. So he had him disguised as a utility worker and smuggled out in a van to the residential compound of the ambassador in Georgetown. A few days later, he was dropped off at a shopping mall.

"Why did you go to such effort if Pelton had neither documents nor access to the NSA?" I asked.

"It was the information in his head that we wanted." Cherkashin said that because the KGB rarely got access to any NSA officer, it was worth the risk. So Pelton was given $5,000 in cash and a plane ticket to Vienna, where he was domiciled at the residence of the Soviet ambassador to Austria. A KGB electronic communications expert, Anatoly Slavnov, was then sent to Vienna to supervise the

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Pelton debriefings. The debriefing sessions, which went on for fifteen days, were from 8:00 a.m. to 6:00 p.m. In them, Pelton managed to recall Project A, a joint NSA-CIA-navy operation in which submarines surreptitiously tapped into Soviet undersea cables in the Sea of Okhotsk, which connected to the Soviet Pacific Fleet's mainland headquarters at Vladivostok. Pelton received another $30,000 from the KGB.

"Did the information in his head prove valuable?" I asked.

"As long as the NSA didn't know the tap was compromised by Pelton, we could use the cable to send the NSA the information we wanted it to intercept." He said that while actual NSA documents would have proved more useful than someone's memories, "Our job is to take advantage of whatever we can get."

Two years later, Pelton was again flown to Vienna for another debriefing to see if he could recall any further details. According to Cherkashin, the KGB's job was to leave no stone unturned when it came to the NSA's sources. In 1985, the KGB's task ended when Pelton was arrested by the FBI. Like Ames and Hanssen, Pelton was sentenced to life imprisonment.

Looking at his watch, Cherkashin politely excused himself.

I subsequently spoke to Colonel Oleg Nechiporenko, who had been a foreign intelligence officer in the KGB between 1958 and 1985 and continued his intelligence work until recently as chief counterterrorism expert of the Russian-led Collective Security Treaty Organization. Over a leisurely coffee in the bar of the Hotel National, he told me that many "walk-ins" who contacted Soviet officials in his time were emotionally disturbed, but all of them had to be assessed for possible intelligence value. "Our job was to find espionage sources," he said with a twinkle in his eye. "The Internet has changed the espionage business since secret documents can be massively downloaded by an unhappy employee," he said, "but they still need to be assessed by a professional."

Through the eyes of the KGB, a penetration of American intelligence was clearly opportunistic. If these practices continued, they put Snowden's situation in a new light for me. If Russian intelligence considered it worthwhile to send a former civilian worker at the NSA, such as Ronald Pelton, two thousand miles from Washing-

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ton, D.C., to Austria so that its specialists could debrief him on the secrets he held in his head, it would have an even greater interest in exfiltrating Snowden from Hong Kong to get, aside from his documents, whatever secrets he held in his head. If Russian intelligence were willing to opportunistically accept the delivery of U.S. secrets from an unknown espionage source that it neither recruited nor controlled, such as Hanssen, it would obviously have little hesitancy in acquiring the secrets that Snowden had stolen of his own volition, even if Snowden had acted for idealistic reasons.

If Russian intelligence focused its search pattern on disgruntled American intelligence workers, such as Ames, it is plausible that it spotted Snowden through his Internet rants against U.S. surveillance. Even if it had missed Snowden in Hawaii, a disgruntled former civilian employee at the NSA would have received its full attention after he contacted Russian officials in Hong Kong. While the tactics of the SVR might have changed since Cherkashin retired, its objectives remained the same. And the NSA remained its principal target. Nor is there any reason to doubt that it still measures success in its ability to obtain, by whatever means, the secret sources and methods of its adversaries. Snowden was in a position, with both the documents he had taken and the knowledge he had in his head, to deliver the KGB such a coup.

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CHAPTER 26

The Handler

As for [Snowden's] communication with the outside world, yes, I am his main contact.

—ANATOLY KUCHERENA, Moscow, 2013

ON NOVEMBER 1, I still had not been able to make contact with Anatoly Kucherena, and my flight back to New York was in five days. My fixer, Zamir, had been trying to arrange an appointment for three weeks, but he had only received one callback from Kucherena's assistant, Valentina Kvirvova. She wanted to know how I knew Oliver Stone. Zamir told her of my part in Stone's movie. That was the last he had heard from her. Meanwhile, a Moscow-based journalist told me that she had waited eighteen months to hear back from Kucherena before giving up. I also learned from a Russian researcher that Kucherena had not given a single interview since his television interview with Sophie Shevardnadze on September 23, 2013. And no Russian journalist, or any Moscow-based foreign journalist, had ever obtained an interview with Snowden. At this point, Zamir was becoming increasingly doubtful about my getting access to either Kucherena or Snowden.

I turned to another contact in Moscow. When I had been investigating the 2006 polonium poisoning of the former KGB officer

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Alexander Litvinenko, I had interviewed Andrei Lugovoy. A former KGB officer assigned to protecting the Kremlin's top members in the 1990s, Lugovoy later opened his own security company. In 2005, he became a business associate of Litvinenko's in gathering information and made regular trips to London to meet with him. Because he had tea with Litvinenko at the Pine Bar of the Millennium Hotel in London on November 1, 2006, the day Litvinenko was poisoned, he became the main suspect in the British investigation. He could not be extradited, however. After reconstructing the chronology of the crime, I established that Litvinenko had been contaminated with polonium at a Japanese restaurant some four hours before his tea with Lugovoy. I therefore wrote that the crime scene might not have been at the Pine Bar, a finding that he said he greatly appreciated.

Lugovoy was elected to the Duma in 2007 and also hosted a twenty-four-part television series on espionage for which Putin personally decorated him. He was also now reputed to be in the inner circle of power in Moscow. So I called him.

We arranged to meet in the bar of the Hotel National. A short but well-built man with a bullet-style haircut, Lugovoy showed up promptly at 1:00 p.m. After discussing some of the subsequent developments in the still-lingering polonium investigation, I asked him if he knew Kucherena.

"I don't know him, but I know someone who does," he answered. "Why are you interested in seeing Kucherena?"

I told him that I wanted to speak to him about Snowden but I had been unable to arrange a meeting.

"That's no problem," he said, raising his cell phone (which never left his hand). He hit a number on the speed dial and spoke rapidly in Russian (which I do not understand). He cupped his hand over the phone and asked how long I would be in Moscow. After I told him that I was leaving that Friday, he spoke again in Russian to the person on the other end. "You will have an appointment on Thursday," he said.

Later that afternoon, Valentina, Kucherena's assistant, called to say that Kucherena would be happy to see me at his office at 6:00 p.m. on Thursday. I didn't ask Lugovoy whom he had called. Whomever Lugovoy called obviously had the power to arrange the meeting.

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When I arrived at Kucherena's office, I was with my translator Zamir. (Kucherena did not speak English.) I arrived ten minutes early, and a receptionist showed me into a well-lit square room with an elegant table in the center. There was a sumptuous basket of exotic fruits on the table and large portraits of racehorses on the walls. Another door opened, and a tall, graceful woman came into the room and introduced herself as Valentina. She was wearing a well-fitting black dress, a striking jade necklace, and high heels. When she asked whether we would like anything to drink, it seemed more like the prelude to an elegant dinner party than an interview about Snowden.

Valentina spoke very good English. She apologized for the delay in responding to my requests, explaining that she received "thousands of requests" for interviews and did not have time to answer them. When I asked how many were answered, she shrugged and said, "Not many."

At that moment, Kucherena entered with a jaunty step, a cherubic face, and untamed white hair. He was wearing gray slacks, a partially buttoned cashmere polo sweater, and a fully engaging smile.

As I had learned from his entry in *Wikipedia*, he was born in a small village in the Soviet Socialist Republic of Moldavia in 1960 and had obtained his law degree from the All-Union Correspondence Law Institute in 1991. He opened his own law firm in Moscow in 1995. Kucherena's well-known friendship with Putin had evidently not hurt his law practice. His clients had included such well-connected defendants as Viktor Yanukovych, the president of Ukraine overthrown in 2014; Grigory Leps, a Russian singer blacklisted by the United States for allegedly acting as a money courier for a Eurasian criminal organization; Valentine Kovalev, a former Russian minister of justice charged with corruption; and Suleyman Kerimov, a civil servant from Dagestan who had amassed an estimated fortune of $7.1 billion. Kerimov had recently been charged for manipulating the price of potash in Belarus. Most of these clients were reputed to be part of Putin's inner circle.

To break the ice, I asked Kucherena about Oliver Stone. I knew he had a small role in Stone's forthcoming movie, in which he plays Snowden's lawyer in Moscow.

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"I was impressed by how few takes he needed to shoot my scene," he answered.

"How did you come to be Snowden's lawyer?" I asked.

"Snowden picked me from a roster of fifteen lawyers with which he had been provided."

Because Snowden did not speak or read Russian, I asked Kucherena about how Snowden had come to pick him from the roster. Could he have known about his connections?

"I suppose it was because of my record in defending human rights," Kucherena replied with a broad smile.

Kucherena went to Sheremetyevo International Airport to meet his new client on the morning of Friday, July 12, 2013. At that point, he said that Snowden had been held virtually incommunicado for twenty days. Other than Russian officials, the only person he had been allowed to see during this period was Assange's aide, Sarah Harrison.

"Where in the airport did you meet him?" I asked. "Was it in a VIP lounge?"

"It was in the transit zone," he replied coyly. "That is all I can say."

They spoke through a translator. By this time, Harrison had sent twenty-one countries petitions for asylum that were signed by Snowden. Whatever their purpose, Kucherena did not consider them helpful.

"I told him that if he wanted to get sanctuary in Russia, he would have to immediately withdraw all the petitions in which he had asked other countries for asylum." Kucherena said that otherwise he could not represent him. Snowden agreed to that condition.

Shortly before 5:00 p.m., Kucherena accompanied Snowden, who was wearing an open-neck blue shirt and a badly creased jacket, to area G9 in the transit zone, where they emerged from a door marked "Authorized Personnel Only." A number of officials in dark suits, who Kucherena assumed were from the "special services" to protect Snowden, were already in the room. Snowden and Harrison seated themselves at a table. A Russian translator was also seated at the table. At this point, thirteen invitees were ushered into the room to witness Snowden's first public appearance in Russia. It was rare

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if not unprecedented for an American intelligence worker to seek asylum in Russia.

These invitees included some of Putin's close associates, pro-government activists, and representatives of both Amnesty International and Human Rights Watch. "It was totally bizarre," said Tanya Lokshina, the deputy director of Human Rights Watch, who attended. "Although it was billed as a press conference," she recalled, "there was no press or photographers allowed in the room." Nor was anyone allowed to photograph or record the event.

Snowden read from a prepared statement accusing the U.S. government of violating the Universal Declaration of Human Rights, saying he was a victim of political persecution, and concluding, "I will be submitting my request to Russia today [for asylum], and hope it will be accepted favorably." After answering a few questions posed by the audience, he left the room with Kucherena and Harrison by the same door they had entered.

In discussing this meeting, Kucherena told me that Snowden had not intended to seek asylum in Russia when he arrived on June 23. Because he also said he had not met Snowden prior to the day of the conference, I asked how he knew Snowden's intentions.

"When I accepted the case, I received Snowden's dossier," he answered. "I was able to see all his interviews."

Presumably, Snowden's dossier included his interviews with the FSB, the SVR, and other Russian security services. If so, it would explain how Kucherena could be so certain that Snowden had brought "material" with him to Russia that he had not provided to journalists in Hong Kong. Before meeting with Kucherena, I had met with Sophie Shevardnadze, who told me that Kucherena had personally approved the translation of their interview into English. So I asked Kucherena about the interview. It will be recalled that in response to a question about whether Snowden had secret material with him in Russia, Kucherena had said "certainly." Was this exchange accurate?

"It was accurate," he answered.

Snowden, as we know, had said in Hong Kong that he had only given journalists some of the state secrets he had stolen and that he

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deemed others too sensitive for journalists. So I wanted to find out from Kucherena which documents Snowden had taken to Russia. I went about it in a roundabout way. When Shevardnadze asked him about the secret material Snowden might reveal in Russia, Kucherena pointedly called her attention to Snowden's CIA service, suggesting that he might possess CIA files. I also knew that in Kucherena's roman à clef, he had Joshua Frost, the thinly veiled Snowden-based character, steal a vast number of CIA documents that could do great damage to U.S. intelligence. By retaining them, Frost made himself a prime target of the CIA.

So I asked, "Is Joshua Frost fact or fiction?"

"I can't tell you that," he said. "If I said he was Snowden, it would violate the attorney-client privilege."

"I understand," I said. "But did Snowden do what Frost did in your book?"

"That is for you to decide," he answered with a sly smile. "It's my first novel."

When I asked if he could arrange for me to see Snowden, he said that first I would have to submit my questions to Ben Wizner, Snowden's American lawyer at the ACLU. He made it clear to me that the exposure of Snowden to journalists, or at least the vetting of journalists, had been outsourced to Wizner. Kucherena was handling Snowden's liaisons with the Russian authorities while Wizner was handling the Snowden narrative, including selecting the media outlets. Presumably, Wizner had handpicked Snowden's past interviewers in Moscow, including Barton Gellmna, James Bamford, Brian Williams, John Oliver, Alan Rusbridger, and Katrina vanden Heuvel.

"After that, the final decision is up to Snowden," he said. That seemed to conclude the interview, but as I got up to leave, he added, "His legal defense is fairly expensive."

Snowden had said in a BBC interview in 2015, as previously mentioned, that he had brought enough cash to Hong Kong and Russia to cover all of his expenses. So I asked Kucherena if Snowden had brought his own funds.

"He was penniless when he arrived," he replied. I found that answer plausible because the FBI reportedly had not found a large cash withdrawal from his account before his departure and it seemed

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to me too risky for him to carry a large sum of undeclared cash through three airports. Because large sums of cash must be declared, the detection of the money could compromise his plan to deliver his NSA documents. Snowden might have told the BBC he had brought cash to allay suspicions about who was financing his stay in Moscow.

I was intrigued by this remark. Snowden, as far as I knew, didn't need a legal defense, because he was not charged with a crime in Russia and the United States had no extradition treaty with Russia.

While Kucherena unfortunately did not arrange an interview with Snowden, he did something I considered more important. He confirmed the accuracy of his September 2013 assertion that Snowden had brought secret material to Russia, material he had not given to journalists in Hong Kong. After what I had learned from Cherkashin about the lengths that Russian intelligence would go to obtain U.S. communications intelligence secrets, I viewed Snowden's access to this material to be a crucially important part of the mystery.

That day, I immediately sent my questions to Ben Wizner, and I offered to fly back to Moscow if Snowden would grant me an interview. In March 2016, Wizner answered that Snowden had "respectfully declined."

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PART FIVE

CONCLUSIONS: WALKING THE CAT BACK

In solving a problem of this sort, the grand thing is to be able to reason backward.

—SHERLOCK HOLMES, *A Study in Scarlet*

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CHAPTER 27

Snowden's Choices

It is the choices we make that show who we truly are.

—J. K. ROWLING, *Harry Potter and the Sorcerer's Stone*

RUSSIAN AUTHORITIES had the opportunity to thoroughly debrief Snowden as to his motive for stealing state secrets, whereas U.S. authorities did not. It cannot be assumed that he had a single consistent motive in 2013. Snowden has shown, if nothing else, that he was adaptable to changing circumstances. He might have begun taking documents for one reason and found other reasons as he proceeded in his quest. Many of the reported circumstances of his activities, including his probes, contacts, theft, and escape, are disputed by his supporters. Many of his other activities are shrouded by the secrecy of the NSA. We do know, though, that Snowden made four extraordinary choices during the nine-month period in 2013. If, as is said, actions speak louder than words, Snowden's four choices illuminate the underlying concerns guiding his acts. In the case of a classified intelligence breach, as in the post-action analysis of a masterful chess game, the sequence of moves a player makes provides an important clue to his strategy. Let us review what we have already learned about these decisions.

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The First Decision

The initial move that Snowden made in preparation for the Level 3 breach was switching jobs on March 15. Snowden chose to leave his job as a system administrator at Dell to take one at Booz Allen as an analyst in training. His motive could not have been money, because it was a lower-paying position. At the time he made this choice, he had already set up an encrypted channel with Laura Poitras for the purpose of sending her secret material. But he did not have to change jobs to send her important secrets. So what was his purpose in making this fateful choice?

The job change was not necessary to expose NSA domestic activities. If he had only wanted to be a whistle-blower, there were ample documents about the NSA's activities already available to him on the NSANet. He also had access at Dell to the administrative file that contained the FISA court orders issued every three months to Verizon. In addition, as the NSA's damage assessment established, before switching jobs, Snowden had already taken most of the documents pertaining to the NSA's domestic operations that he could have supplied to Poitras and Greenwald for whistle-blowing purposes. Indeed, while still at Dell, he had told Poitras he had a copy of Presidential Policy Directive 20, a document in which President Obama authorized the NSA to tap into fiber cables crossing the United States. Snowden described it to her as "a kind of martial law for cyber operations, created by the White House." True, he took a more recently issued FISA order and PRISM presentation in April after switching jobs, but he could just as easily have taken the January 2013 version of the FISA order from the administrative file of Dell. It would have had the same explosive effect in the media.

Nor did he switch jobs to lessen the risk of getting caught. Actually, the change put him in far greater jeopardy. At Dell, he was relatively safe from apprehension because he could take documents, such as the Presidential Policy Directive 20, from access points at the NSA shared by many of his peers, making it difficult to trace the theft. Indeed, if he just wanted to expose the NSA's domestic operations, he could have done the entire operation at Dell. He could even

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have sent Poitras documents anonymously over his own Tor software and server. And he could have remained in his self-described "paradise" in Hawaii with his girlfriend.

When he chose to move to Booz Allen, the risk of exposure greatly increased because of its auditing system. Any documents he took without authorization could be traced back to him (though not in real time). As he later told Greenwald and Poitras, he knew that stealing documents at the Booz Allen job meant that he would either go to prison or escape from America. He didn't want to face prison time, so the job change required an escape plan. As part of that plan, soon after he started work at the Booz Allen–managed facility, he submitted a request for a medical leave of absence.

We can safely assume that the reason he made this risky switch in employment was that he wanted something beyond the whistle-blowing documents. He wanted documents that were not available at the Dell job. One such document he took was the top secret *Congressional Budget Justification* book for fiscal year 2013. This "black budget," as it is called in Congress, contained the entire intelligence community's priorities for, among other things, monitoring the activities of potential adversaries and terrorist organizations. It specified the money requested not only by the NSA but by the CIA, the DIA, the National Reconnaissance Office, and other intelligence services. Snowden could not have objected to the budget's being somehow secret or illegitimate, because it was duly approved by both houses of Congress and the president. If it was not for purposes of whistle-blowing, presumably he had another purpose for taking such a document. It certainly held value to other actors. "For our enemies, having it [the black budget] is like having the playbook of the opposing NFL team," said the former CIA deputy director Morell in 2015. "I guarantee you that the SVR, the Russian foreign intelligence service, would have paid millions of dollars for such a document." If unlike Ames, Hanssen, and Pelton, Snowden was not after acquiring money, he must have seen another value in taking it.

The documents he stole at Booz Allen certainly increased his value to adversary nations, because they included lists revealing the NSA's sources in Russia, China, and other foreign countries.

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Snowden wanted more than just NSA secrets. He used his new position and widened access at Booz Allen to go after secret documents from the intelligence services of Britain, Australia, New Zealand, and Israel. He revealed this operation only after receiving sanctuary in Russia. He told an interviewer that by moving to his new Booz Allen job as an infrastructure analyst, he gained the ability to pry secrets out of the allies of the NSA. "I had a special level of clearance, called 'Priv Ac,'" he said. This "priv ac" status did not allow him to bypass the password protection at sealed-off compartments at the NSA, but it did allow him to request files from foreign services cooperating with U.S. intelligence.

By way of example, he described one file from the British GCHQ cipher service that he copied, stole, and provided to other parties. It exposed a legally authorized British operation to collect electronic data on terrorist matters in Pakistan by tapping into Cisco routers used by telecom companies in Asia. This GCHQ operation, as Snowden knew, violated neither British nor American law. He told a BBC interviewer in regard to that file, "What's scariest is not what the government is doing that's unlawful, but what they're doing that is completely lawful." So his criteria for taking such documents were not their illegality. In his five weeks at this Booz Allen job, he also used this same newly acquired "priv ac" at the NSA to steal files from the Israeli, Canadian, and Australian intelligence services.

Jumping from one outside contracting firm to another for the purpose of penetrating other Western intelligence services is not the conventional mission of a whistle-blower. In the parlance of CIA counterintelligence, the actions of an employee of an intelligence service who changes his jobs solely to steal the more valuable secrets of this service is called an "expanding penetration." It is not possible to believe that Snowden did not know the immense damage that the highly sensitive documents he was taking from the NSA and its allies could cause.

His choice to switch jobs did not come out of the blue. It was not based on serendipitously discovering the documents after he began working at Booz Allen. As he told Lana Lam, he knew in advance that by switching to the job at Booz Allen, he would gain the opportunity to take the lists of NSA sources. He knew that the NSA's

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secretive National Threat Operations Center's chief business was, as its name suggests, countering direct threats from China, Russia, and other adversary states and that to deal with these threats, the NSA had used sophisticated methods to hack into the computers of adversaries. The NSA was even able to remotely gain entry to adversary computers that were not hooked into a network. "It's no secret that we hack China very aggressively," Snowden later said from Moscow. He had a planned target: getting the lists of the enemy computers that the NSA had hacked into.

He also knew he was undertaking a dangerous enterprise. He even mentioned the possibility that he would be "in an orange jumpsuit, super-max prison in isolation or Guantánamo," perhaps even assassinated.

He knowingly chose this course presumably because he believed the value of the secrets he would obtain by switching jobs outweighed the risk of imprisonment. Or worse. Part of his calculus might have been the belief that the NSA lists, GCHQ documents, and other material in his possession could give him great leverage, if he chose to exert it, in his future dealings with intelligence services (including the NSA). His choice to widen his access was made, if not to get rich, to empower himself.

The Second Decision

The second choice of consequence that Snowden made was to make Hong Kong his first stop. He had many other options. He could have remained in America, as almost all previous whistle-blowers had chosen to do. If he did that, he would have to make his case in court (and, in that case, the Level 3 documents he took might have been retrieved before they fell into unauthorized hands). He could have also chosen to make an escape to a country that did not have an active extradition treaty with the United States. He could have, for example, taken a direct flight to Brazil, which has no extradition treaty with the United States. Brazil also had the advantage of being the home country of Glenn Greenwald, whose cooperation he sought. Snowden could have gone to many other countries without extradi-

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tion treaties with the United States. Yet, instead, he flew to Hong Kong, which had an extradition agreement that had been enforced throughout the past decade with Hong Kong courts ordering the arrest of almost every fugitive charged by U.S. authorities. He could expect that when the United States filed a criminal complaint, Hong Kong authorities would seize him and the alleged stolen property of the U.S. government in his possession. Even if he were released on bail and successfully defeated extradition in a Hong Kong court, the Hong Kong authorities would almost certainly retain all the NSA and GCHQ files he had gone to such lengths to steal.

His reason, as he told Greenwald, was that China could provide him with physical protection from any countermeasures by U.S. intelligence agencies such as "American agents . . . breaking down the door" of the hotel room and seizing him. China also had sway over Hong Kong's security activities.

Hong Kong was therefore merely a protected stopover en route to his next destination. If he had gone directly to Moscow and provided the same journalists with the same documents at a press conference in Moscow, his status as a whistle-blower might have been viewed with less sympathy in the media. Even *The Guardian*, for example, might have been reluctant to publish a Moscow-based story revealing British and American communications intelligence secrets.

The Third Decision

The third choice Snowden made, and the choice that most effectively defined him to the public, was to reveal himself as the man behind the leak in a video in Hong Kong. He not only identified himself as the person who stole the government documents published by *The Guardian* and *The Washington Post* but also incriminated himself further on camera by allowing Poitras to film him actually disclosing the NSA's secret operations to Greenwald. By disclosing classified data to Greenwald, an unauthorized person, he intentionally burned his bridges.

What makes this choice intriguing is that there was no evident

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need for him to expose himself in this way. If he merely wanted to be a whistle-blower, he could have, as Bradley Manning did, anonymously sent the documents to journalists as "Citizen Four." In fact, in late May 2013, that was exactly what he did. He anonymously sent Gellman the PRISM scoop, which the *Post* published on June 6. He also sent Greenwald and Poitras documents while he was still the anonymous Citizen Four. Neither Gellman nor Greenwald had suggested the need for a face-to-face meeting with Snowden. Even after he had revealed his true identity to Poitras and Greenwald on June 3, the *Guardian* editor Ewen MacAskill offered him the option of remaining an unnamed source for the stories. He said, as he later told *Vanity Fair*, "You should remain anonymous; the stories are just as good without you." However, anonymity was not part of Snowden's long game.

The reason he gave Greenwald in Hong Kong for going public in this way was to avoid having any suspicion fall on his co-workers at the NSA. Yet in the initial stories published by Greenwald, Poitras, and Gellman, Snowden had not allowed the reporters to identify him by either name or position. If he did not act to deflect suspicion from his co-workers for the initial investigation, why do it a week later? In the intervening week, the FBI had already launched its criminal investigation. In any case, he did not need to be the subject of a documentary film to take sole responsibility for stealing state secrets. He could have simply allowed Greenwald to identify him by name as the source in the stories.

One thing that Snowden could not accomplish by anonymously transferring the documents to journalists was a starring role in the drama. If he had appeared digitally masked in Poitras's video with an altered voice, he would not achieve fame. To do that, he needed to allow Poitras to film him committing the crime of turning over NSA documents to Greenwald. This video was also part of his advance planning. Indeed, one reason he chose Poitras was that she was a prizewinning documentary filmmaker. Snowden, while he was still working at the NSA in March 2013, made it clear how he intended to use Poitras's filmmaking skills. He told her, "My personal desire is that you paint the target directly on my back." Making himself the

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on-camera star of a twenty-hour-long reality show, edited first into a video and then a full-length documentary, transformed him in the public's mind into a hero.

It would be a mistake to assume that the central role he gave himself was simply an exercise in narcissism. After the video was released, he was no longer a near nonentity servicing a computer system at a backwater NSA base in Hawaii. He had emerged from the shadowy world of electronic intelligence to become one of the most famous whistle-blowers in modern history. It was a mantle that would allow him to also become a leading advocate of privacy and encryption rights, as well as the leading opponent of NSA spying. While this remarkable transformation might not have been his entire motive, it was certainly the result of the choice he made to go public.

The Fourth Decision

The final choice he made was to board a nonstop flight to Moscow on June 23. Once the U.S. criminal complaint was unsealed on June 21, he needed to leave Hong Kong; his continued presence would have been a complication for the Chinese president, Xi, scheduled soon to meet President Obama. His only route out of Hong Kong went through two adversaries of the United States: China and Russia. China, as far as is known, did not offer him sanctuary. According to one U.S. diplomat cited by *The New York Times,* China might have already obtained copies of Snowden's NSA files and did not want the problem of having Snowden defect to Beijing. In any case, if it had not already acquired the files, it could assume it would receive that intelligence data from its Russian ally in the intelligence war. Whatever its reason, China did not use its considerable power in Hong Kong to block Snowden's exit.

Nor did Snowden obtain a visa to any country in Latin America or elsewhere during his monthlong stay in Hong Kong. As in the oft-cited Sherlock Holmes clue of the dog that did not bark, Snowden's lack of any visas in his passport strongly suggests that he had not made plans to go anyplace but where he actually went: Moscow. His

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actions here, including his contacts with Russian officials in Hong Kong, speak louder than his words.

Just as he believed the Chinese intelligence service could protect him in Hong Kong from a physical attack by agents of the United States, he could assume that the FSB could protect him from them in Moscow. He was not entirely naive about its capabilities. During his service in the CIA, he had taken a monthlong training course at the CIA's "farm" at Fort Peary, in which counterintelligence officers taught about the capabilities of the Russian security services. He couldn't have believed that Russia would allow a defector from the NSA who claimed to have had access to the NSA's sources in Russia and China to leave Moscow before its security services obtained that information.

It is not uncommon for a defector to change sides in order to find a better life for himself in another country. Some defectors flee to escape a repressive government or to find one in which they believe they are more closely attuned to its values. Russia, however, is ordinarily not the country of choice for someone such as Snowden seeking greater civil liberties and personal freedom. So why did Snowden choose Russia for his new life?

The four choices just discussed that Snowden made, taken together, show that Snowden was determined to succeed where others before him had failed. He not only wanted to take full credit for stealing files from the NSA but also wanted to escape any American retribution for his act. His decision suggests to me a highly intelligent, carefully calculating man who was hell-bent on finding a new life for himself in a foreign country. A common thread that runs through these four choices is a willingness to do whatever was necessary to achieve this new life, including disregarding his oath to protect secrets and instead transporting them on thumb drives to a foreign country. To protect himself, he was also willing to rely on the influence of adversary intelligence services in Hong Kong and put himself in the hands of Russian authorities in Moscow. He was also willing to use some of his classified documents as a medium of exchange, if not bait, with journalists to get the public attention he sought.

These choices paid off for Snowden, the new hero of millions. In

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Moscow, he could enjoy a safe life, free from the threats of a CIA rendition team dropping from the sky or extradition proceedings. He was now under the protection of Putin's Russia. The press had a field day with the domestic surveillance documents that he gave them. As far as Snowden was concerned, as he told Gellman on December 21, 2013, in Moscow, "The mission's already accomplished."

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CHAPTER 28

The Espionage Source

> The government's investigation failed. [It] didn't know what was taken.
>
> —EDWARD SNOWDEN, Moscow, 2014

IN MOSCOW, I had learned that Russian intelligence services use the broad, umbrella term "espionage source" to describe moles, volunteers, and anyone else who delivers another state's secrets to it. It applies not only to documents but to the secret knowledge that such a source is able to recall and includes both controlled and uncontrolled bearers of secrets. It is also a job description that fit Edward Snowden in June 2013.

Unless one is willing to believe that the Putin regime acted out of purely altruistic motives in exfiltrating this American intelligence worker to Moscow, the only plausible explanation for its actions in Hong Kong was that it recognized Snowden's potential as an espionage source. Snowden's open disillusionment with the NSA presented the very situation that the Russian intelligence services specialized in exploiting. He had also revealed to reporters in Hong Kong that he had deliberately gained access to the NSA's sources and methods and that he had taken highly classified documents to Hong Kong. He further disclosed that before leaving the NSA, he

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had gained access to the lists of computers that the NSA had penetrated in foreign countries. He even went so far as to describe to these journalists the secrets that he had taken as a "single point of failure" for the NSA. And aside from the documents he had copied, he claimed that the secret knowledge in his head, if he disclosed it, would wreak havoc on U.S. intelligence. "If I were providing information that I know, that's in my head, to some foreign government, the US intelligence community would . . . see sources go dark that were previously productive," he told the editor of *The Guardian* in Moscow.

In short, he advertised possessing priceless data that the Russian intelligence services had been seeking, with little success, for the past six decades. These electronic files could provide it with the keys to unlock the NSA's entire kingdom of electronic spying. Could any world-class intelligence service ignore such a prize? To miss the opportunity to get its hands on such a potential espionage source would be nothing short of gross negligence.

In fact, this golden opportunity was not missed in Hong Kong. Even if the Russian intelligence service had not previously had him in its sights—which, as discussed earlier, appears to me to be extremely unlikely—he made contact with Russian officials in Hong Kong, and Putin personally approved allowing Snowden to come to Russia.

This decision made it possible for Snowden, without an entry visa to Russia, or, for that matter, any other country, to check in and board an Aeroflot flight to Moscow. We also know that a special operation was mounted to take Snowden off the plane once it landed in Moscow. Such an operation could not have been executed without advance planning. Nor would he be removed from the plane without a plan for his stay in Russia. Once Putin approved it, there is little reason to doubt that the plans to get Snowden to Moscow, and whatever cover stories were deemed necessary to obscure them, had been carried out professionally by Russia's special services.

When an intelligence service makes such elaborate preparations for extracting a foreign intelligence worker, it presumably also expects to debrief him or her on arrival. Pelton, for example, who had access to far less valuable information than had Snowden, was

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held incommunicado in Vienna for two weeks during his debriefing. It would be inconceivable for an intelligence service to bring a potential espionage source such as Snowden to Russia and allow him to catch the next plane to Latin America. The false report provided to the press that Snowden was flying there was likely nothing more than a smoke screen to confuse foreign observers while he was receiving his initial debriefing and evaluation.

When it comes to the esoteric enterprise of reconstructing the work of U.S. communications intelligence, military as well as civilian experts in cryptology, computer sciences, and communications are necessary. Unlike in the case of Pelton, Snowden, according to Anatoly Kucherena, had secret material in his possession. Even if Russian intelligence had already acquired copies of the electronic files prior to Snowden's arrival in Moscow, Snowden's interpretation of them would be part of the debriefing because intelligence data needs to be put in context.

"This debriefing could not be done overnight," according to a former high-ranking officer in the GRU, the Russian military intelligence service. "There is no way that Snowden would not be fully debriefed," he said. He also said GRU specialists in signals intelligence would be called in.

Putin's approval of the Snowden operation was not without consequences. Not only did Obama make good on his threat to cancel the pre-Olympics summit with Putin, but also, as it turned out, the Snowden exfiltration proved a turning point in the "reset" of U.S.-Russian relations. Having to accept the onus of declining relations with the Obama administration, Putin, it seems safe to assume, attempted to get the bonus of the NSA's communications intelligence from Snowden. The GRU, the SVR, and other Russian intelligence services would not stop questioning Snowden, even if it took years, until they had squeezed out of him whatever state secrets he had. Because Snowden was rewarded with sanctuary, a residence, and bodyguards, there is no reason to doubt that he refused to accommodate his hosts. While he might continue to see himself as a whistleblower on a supranational scale, as far as Russian intelligence was concerned, he was an espionage source.

For an intelligence service, the game is not over when it obtains

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state secrets. It still needs to fog over the extent of its coup, as said earlier, to prolong the value of the espionage. Hence it is likely that the story that Snowden had thoroughly destroyed all the stolen data in the month prior to departing for Russia, as well as the story that he had turned down all requests to be questioned by the FSB and other Russian intelligence officials, was part of the legend constructed for him. The repetitions of these uncorroborated claims in his press interviews might also have enhanced his public image for the ACLU effort to get clemency for him. Even so, in view of the importance of such communications intelligence to Russia, it would be the height of naïveté for U.S. or British intelligence to accept such claims as anything more than camouflage.

As for Snowden's motive, I see no reason to doubt his explanation that he stole NSA documents to expose its surveillance because he believed that it was an illicit intrusion into the privacy of individuals. Such disaffection is not a unique situation in the intelligence business. Many of Russia's worldwide espionage sources before Snowden were also dissatisfied employees who had access to classified secrets. Like some of them, Snowden used his privileged access to reveal what he considered the improper activities of the organization for which he worked. In that sense, I fully accept that he began as a whistle-blower, not as a spy. It was also as a whistle-blower that he contacted Laura Poitras, Glenn Greenwald, and Barton Gellman, who published the scoops he provided in *Der Spiegel*, *The Guardian*, and *The Washington Post*.

Snowden's penetration went beyond whistle-blowing, however. In the vast number of files he copied were documents that contained the NSA's most sensitive sources and methods that had little if anything to do with domestic surveillance or whistle-blowing.

Snowden could not have acted entirely alone. It will be recalled that the deepest part of his penetration was during the five weeks he worked at the National Threat Operations Center in Hawaii as a contract employee of Booz Allen Hamilton. It was there that he copied Level 3 files, including the so-called road map to the gaps in American intelligence. During this period, Snowden had neither the passwords nor the system administrator's privileges that would

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allow him to copy, transfer, and steal the electronic files. He therefore must have obtained that assistance from someone who had the passwords and privileges. Other workers there might have shared his sensibilities and antipathy toward NSA surveillance. It therefore seems entirely plausible that he found a co-worker willing to cooperate or, vice versa, a co-worker found him. Snowden might not have been aware of his new accomplice's true motives or affiliations, but without some co-worker's providing him with entry to the sealed-off computers, he could not have carried out the penetration. To our knowledge, whoever helped him evidently did not want to expose himself to prosecution or defect from the NSA. That was Snowden's role. By accepting the sole blame in the video that Poitras made about him in Hong Kong, Snowden shielded anyone else from suspicion, which was, as he told Poitras, his purpose. Whoever helped him may still be working at the NSA.

To be sure, there remains that other glaring gap in the chain of events that led Snowden to Moscow: his whereabouts and activities during his first eleven days in Hong Kong. Mike Rogers, the chairman of the House Select Committee on Intelligence, even suggested, without any evidence, that Snowden might have been taken to mainland China during this period. What drove his speculation was the admission of U.S. intelligence that despite its vast global resources for searching credit card charges, banking transactions, hotel registrations, e-mails, police records, and even CCTV cameras, neither it nor its allies were able to find a trace of Snowden during that time. It was, in a phrase made famous by the former secretary of defense Donald Rumsfeld, "a known unknown." Just as likely he could have been staying in a well-prepared safe house anywhere in Hong Kong or even at the home of an unknown associate. All that is really known is that soon after he emerged from this venue, moved to the Mira hotel, and gave his celebrated interview to journalists, he was safely settled in Russia.

Snowden's actions appear squarely at odds with his assertions of serving his country's interests. Even accepting that he began with a sincere desire to be a world-class whistle-blower, his mission evolved, deliberately or not, into one that led him to disclose key communica-

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tions intelligence secrets to a foreign power with an agenda that is hardly aligned with his country's interests. A defector is defined in the *Cambridge English Dictionary* as "a person who leaves his or her own country or group to join an opposing one." Snowden's actions fit that description. In the end, it is Snowden's actions, not his words, that matter.

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CHAPTER 29

The "War on Terror" After Snowden

> Because of a number of unauthorized disclosures and a lot of hand-wringing over the government's role in the effort to try to uncover these terrorists, there have been some policy and legal and other actions that make our ability collectively, internationally, to find these terrorists much more challenging.
>
> —CIA DIRECTOR JOHN BRENNAN,
> in response to the Paris terrorist attack, November 2015

On the evening of November 13, 2015, nine jihadist terrorists acting on behalf of ISIS brought normal life in Paris to a screeching halt. Three suicide bombers blew themselves up at the stadium at Saint-Denis while President Hollande was inside attending a match between France and Germany. Other terrorists that night killed 130 people at cafés, restaurants, and a theater. Three hundred and eighty-eight others were wounded in the carnage. Abdelhamid Abaaoud, a twenty-eight-year-old Belgian citizen of Moroccan origins who served ISIS as a logistics officer in Syria in 2014, planned the attack over many months with the help of others in Syria. To organize it, they smuggled three suicide bombers into Europe through Greece, raised financing, set up a base in the Molenbeek section of Brussels, imported deactivated assault weapons from Slovenia that were restored by a technician, bought ammunition, acquired suicide vests, obtained "burner" cell phones, rented cars, and, two months before the attack, rented three additional apartments under fake identities to conceal the operation. Finally, in

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November, they made online bookings for quarters in Paris for the nine attackers. Even though Abaaoud was well-known to Western intelligence services, none of the communications surrounding the preparations for the attack came to the attention of the NSA or its allied services in Europe. A critical find for the investigators enabled them to unravel the chain that eventually led them to the perpetrators, but it had nothing to do with electronic surveillance. A cell phone belonging to one of them was found by the security forces, following a broad search they conducted, which included trash cans situated in the vicinity of the concert halls. So this breakthrough in the investigation had nothing to do with systematic data analysis conducted prior to the attack.

Indeed, in the sequence of the Paris events, as in other terror events, the challenge is not just bringing culprits to justice. It is preventing the terrorists from carrying out their attack to begin with. Police cannot constantly protect "soft targets" such as restaurants, cafés, theaters, and street gatherings. The only practical means by which a government can prevent such attacks is to learn in advance their planning and preparations. One means of acquiring this information is by listening in on the channels through which members of loosely knit terrorist organizations, such as ISIS, communicate. This form of intelligence gathering obviously works best so long as the terrorists remain unaware that the communication channels they are using are being monitored. Once they find out that their messages and conversations are being intercepted, they will likely find a safer means to communicate important information. For that reason, communications intelligence organizations keep the sources and methods they employ for monitoring these channels in a tightly sealed envelope of secrecy.

Yet, in June 2013, the NSA found that envelope had been breached by Snowden, who knowingly compromised three programs that it used to keep track of terrorist organizations around the world. The first system he divulged, and the one that received the most public attention, was what the NSA called the "215" program because it had been authorized by Section 215 of the Patriot Act of 2001. This program compiled the billing records of every phone call made in America. The data included the number called and the duration of

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the call but not the name of the caller. This anonymous data was archived into a huge database. The idea was that when any foreigner on the FBI's watch list of terrorists called any number in the United States, the FBI could trace that person's entire chain of telephone contacts to try to determine if he or she was connected to a known terrorist cell. There was, however, a major flaw in this program: it did not cover e-mail and other Internet messaging, which by 2013 had largely replaced telephone calls. In addition, terrorist organizations, after the tracking down of Osama bin Laden in 2011, had become fully aware of the vulnerability of telephoning overseas. So although the NSA could cite a handful of early successes that "215" yielded, Snowden's exposure of it did only limited damage.

Snowden did vastly more damage by revealing the PRISM program, also called "702" because it was authorized in 2008 by Section 702 of the Foreign Intelligence Surveillance Act. Its effectiveness proceeded from the misplaced confidence that terrorist organizations in Iraq, Syria, Afghanistan, and Pakistan had in the encryption and other safeguards used by giant Internet companies, such as Apple, Google, Twitter, and WhatsApp. They evidently had not known that in 2007 the NSA found a way to intercept this data before it was encrypted. The Internet, despite metaphors such as "the cloud" and "cyberspace," initially travels through fiber cables, almost all of which run through the United States and its Five Eyes allies. So by 2013 the NSA was able to access 91 percent of the Internet *before* it was encrypted. This so-called upstream data included Google searches, tweets on Twitter, social media postings, Skype conversations, messages on Xbox Live, instant messages sent over WhatsApp, and e-mails sent via the Internet. The NSA could also read concealed messages in photographs and online game moves. According to a declassified 2015 inspector general's analysis, the actual interceptions in this program in 2013 were mainly limited to the communications of preselected foreign terrorists.

Until the Snowden breach was revealed on June 6, 2013, this program gave U.S. intelligence a valuable tool for gathering unexpected intelligence. Snowden must have been aware of how highly the NSA valued this program because, according to the documents he released, PRISM was "the number one source of raw intelligence used for

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NSA analytic reports." From the continued use of these intercepted channels by suspected terrorists on the NSA's watch lists, it could be reasonably assumed that these users were unaware of the NSA's capacity to intercept their messages on the unencrypted Internet.

Unlike the telephone program that Snowden revealed, the PRISM program produced actionable intelligence until the time when Snowden blew it. General Hayden, who was NSA director during the three years following the 9/11 attack, wrote that these surveillance powers, among other things, "uncovered illicit financing networks, detected suspect travel, discovered ties to aviation schools, linked transportation employees to associates of terrorists, drew connections to the illicit purchases of arms, tied U.S. persons to Khalid Sheikh Mohammed, and discovered a suspect terrorist on the no-fly list who was already in the United States." More specifically, just between 2007 and 2013, according to the testimony of NSA and FBI officials, it resulted in the preempting of at least forty-five terrorist attacks. Almost all of the thwarted attacks occurred outside the jurisdiction of the United States, and therefore did not result in U.S. prosecutions. One of the plots that targeted Americans was a planned attack using high explosives on the subways in Grand Central station and the Times Square station at rush hour in New York City in 2009. It was averted after British intelligence supplied the NSA with the e-mail address of the terrorist suspect Najibullah Zazi in Aurora, Colorado. The PRISM surveillance program then traced it to an IP address on the watch list associated with Rashid Rauf, an al-Qaeda bomb maker in Pakistan. Zazi, evidently unaware that e-mails sent via Yahoo! could be intercepted before they were encrypted by Yahoo!, continued sending e-mails to Rauf as he prepared to assemble the bombs in early September 2009. As a result, the NSA search of its database yielded e-mails from Zazi discussing the proportions of explosives to be used. These e-mails recovered through the PRISM program, according to an analysis done for the Senate Judiciary Committee in 2014, provided the "critical lead" that led to the arrest of Zazi and his confederates before they could detonate bombs in the subways of New York City. The members of the House and Senate Select Committees on Intelligence had no doubt that the 702 program played a key role in aborting this plot they had been

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secretly briefed on in 2009. Dianne Feinstein, the chair of the Senate Select Committee, pointed out with privileged knowledge that it saved "subway cars stuffed to the gunwales with people"; Representative Mike Rogers also spoke with privileged knowledge when he said on June 9, 2013, referring to the 702 program, "I can tell you in the Zazi case in New York, it's exactly the program that was used."

The third NSA program of interest to terrorists that Snowden revealed was called XKeyscore. Using Internet data from PRISM, the NSA had created the equivalent of digital fingerprints for suspected foreign terrorists on watch lists. The "fingerprint" for each suspect was based on his or her search pattern on the Internet. These algorithms made it difficult for suspects to hide on the Internet by using aliases. Once a suspect was "fingerprinted," any attempt to evade surveillance by using a different computer and another user name would be detected by the XKeyscore algorithms. The "fingerprints" only worked so long as XKeyscore remained secret from those on the watch list. After Snowden exposed it, suspects could evade surveillance by changing their search patterns when they changed their aliases.

Further enabling furtive Internet users to evade the surveillance of the government, Snowden offered specific tips about the secret sources and methods used by both the NSA and the British GCHQ. He revealed in a public interview, for example, that the GCHQ had deployed the first "full-take" Internet interceptor that "snarfs everything, in a rolling buffer to allow retroactive investigation without missing a single bit." When asked how to circumvent it, he replied, "You should never route through or peer with the UK under any circumstances. Their fibers are radioactive, and even the Queen's selfies to the pool boy get logged." Aside from this warning about using Internet providers whose wiring passes through Britain, he also warned Internet users about trusting the encryption of any U.S.-based Internet company because of their secret relationships with the NSA. He added that the NSA considered "telecom collaborators to be the jewels in their crown of omniscience." He also gave a warning about the attention the NSA was paying to "jihadi forums." He said that to avoid being automatically "targeted" by the NSA, one needed to avoid them.

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These precise tips for evading U.S. and British surveillance were not accidentally leaked. Snowden supplied them in written answers to interrogatives sent to him by Poitras and Appelbaum in May 2013 while he was still on the NSA payroll. He also carefully orchestrated the exposure of the PRISM surveillance programs, precisely specifying, as Greenwald writes in his book *No Place to Hide*, who was to release the "scoops" in which newspapers. He gave Gellman a seventy-two-hour ultimatum for exposing PRISM, as we know. He further provided Poitras with well-organized files for publications revealing, among other things, that the NSA had paid RSA, a leading computer security provider, to build flawed encryption protocols, which allowed the NSA to read encrypted messages on computers and online video games. In short, he used these journalists to accomplish his purpose. In light of the way he micromanaged the leaks, it is difficult to conclude that he did not deliberately plan to compromise and render useless these U.S. and British operations.

Whatever he intended, he clearly succeeded in blowing the cover off NSA's operations authorized under the Foreign Intelligence Surveillance Act for monitoring terrorists' activities. After all, terrorist groups are no different from other criminal enterprises in their need to keep their communications secret from the authorities pursuing them. If they find out that the police are tapping their phone lines or intercepting other channels of communication, they can be expected to either stop using them or use them to divert attention away from their real plans.

In addition, Snowden suggested an alternative means to those who wanted to evade government surveillance. He recommended that they use end-to-end encryption, which results in messages being encrypted before they are sent over the Internet. He told Greenwald, for example, that encryption was "critically necessary" for anyone to evade NSA surveillance. Just as Robert Hanssen had deliberately compromised the NSA's interception of Soviet communications in Washington, D.C., in the 1990s, Snowden deliberately compromised the NSA's interception of concealed messages by potential terrorists on the Internet. We cannot know whether or not any of the jihadists involved in subsequent terrorist attacks (such as those in Paris or San Bernardino, California, in 2015) would have used the Internet

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or phone lines more freely if Snowden had not divulged the NSA's surveillance of them, but there can be little doubt that his breach of the secrecy envelope had serious consequences for U.S., French, and British intelligence. For example, François Molins, the former head prosecutor of Paris, pointed out that after the Paris attacks the French investigation had run into an obstacle: end-to-end encryption. "We can't penetrate into certain conversations," he said about "Telegram," the end-to-end encryption program that Snowden had repeatedly recommended, and as a result "we're dealing with this gigantic black hole, a dark zone where there are just so many dangerous things going on."

The effects of Snowden's intervention were soon realized by the CIA, according to Michael Morell, who had closely followed intelligence about terrorist groups in the Middle East ever since he had acted as the CIA's briefer for the president on the day of the 9/11 attack. "Terrorist organizations around the world were already starting to modify their actions in light of what Snowden disclosed," Morell wrote in 2015. "Within weeks of the [Snowden] leaks, communications sources dried up, tactics were changed." Even more disturbing, suspects on the CIA's watch list began switching to an "encryption platform." Instead of continuing to rely on the Internet to protect their messages, they increased their use of end-to-end encryption, which defeated the effectiveness of PRISM's capturing Internet traffic before it was encrypted by Internet companies. Indeed, after the Snowden breach, ISIS even provided a tutorial on its websites about using end-to-end encryption. So Morell and others at the CIA helplessly watched as this previous source of unexpected intelligence went dark.

What further heightened Morell's concern about this sudden loss of NSA intelligence from these sources was the discovery by the CIA in January 2014 of two documents, one 26 pages and the other 19 pages, on a captured ISIS computer in Syria. These documents discussed the advantages of using bubonic plague germs and other biological weapons against Western civilian populations. They even provided a religious justification for using biological warfare against civilian targets in the West. In addition, evidence uncovered from the safe house used by the ISIS terrorists involved in the Paris attack

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suggested they had been interested in acquiring radioactive isotopes. Without the advance warning that the NSA's surveillance of the pre-encrypted Internet had provided in the past, could the CIA now contend with such unconventional threats?

The NSA also saw its sources disappearing from its surveillance. Before the Snowden breach, the FBI, the CIA, and the DIA, which were the NSA's partners in the PRISM program, had compiled a watch list of highly active foreign terrorist targets for the NSA's PRISM program. These "targets" included logistics officers, bomb builders, weapons specialists, and suicide bomber recruiters. Until June 6, 2013, many of these targets had frequently used Internet services, such as Twitter, Facebook, and Xbox Live, to send what they believed would be hidden messages. After the PRISM story broke in *The Washington Post* on June 6, the NSA "saw one after another target go dark," according to a senior NSA executive involved in that surveillance. The NSA has watched about one thousand of these targets take "steps to remove themselves from our visibility." According to the NSA's deputy director, Richard Ledgett, in 2016, the vanishings included a group planning attacks in Europe and the United States.

Admiral Rogers, the new NSA director, was asked about the damage done by Snowden. He was blunt and direct. Asked in February 2015 whether or not the disclosures by Snowden had reduced the NSA's ability to pursue terrorists, he answered, "Have I lost capability that we had prior to the revelations? Yes."

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Epilogue

The Snowden Effect

> Governments can reduce our dignity to something like that of tagged animals.
>
> —EDWARD SNOWDEN, Moscow, 2016

THE ENORMOUS EFFECT that Snowden has had on America can be divided into three categories: the good, the bad, and the ugly. The good proceeds from the national conversation on the issue of surveillance in 2013 that his disclosures ignited. There is no denying that Snowden's dramatic disclosures, despite the damage they did to U.S. intelligence, accomplished a salutary service in alerting both the public and the government to the potential danger of a surveillance leviathan. The steady expansion of the NSA's collection of telephone billing records under the cloak of secrecy, for example, revealed a bureaucratic mission creep that badly needed to be brought under closer oversight by Congress. Snowden's breach provided another benefit. It pointed to the security dangers proceeding from the NSA's headlong rush to outsource its computer servicing to private contractors. Opening this back door, as Snowden amply demonstrated, greatly increased the risk that America's secrets would fall into the hands of its enemies. An intelligence service has little if any value if it cannot keep secret its sources from its adversaries.

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The conversation that Snowden began is necessary for another reason. The relentless growth of data-collection technology had come to endanger personal privacy. Smart phones in our pockets, GPS recorders in our cars, fitness bands on our wrists, CCTV monitors in stores, and network-connected devices in our homes leave a digital trail of every move we make. The government can subpoena as part of an investigation, as we know, our personal data, including our Internet searches, social media postings, electronic communications, and credit card records. In addition, the government has its own tools of surveillance. Snowden, by disclosing that the government was vacuuming in phone billing records and Internet activities, hit a sore spot in the public's consciousness. How far did the surveillance state extend? Did an Orwellian government intercept private conversations of American citizens? Should Apple, Google, and other Internet giants use a doomsday system of encryption to prevent court-ordered searches for data? Were there adequate safeguards against government snooping?

In popular culture, surveillance is often associated with the sinister measures taken by a totalitarian government to suppress individual dissidence. On television we see government agents in black vans operating arrays of tape recorders, following people on the street, and breaking into homes to steal files and tap telephone lines. In the 2006 Academy Award–winning film *The Lives of Others*, for example, East Germany's Stasi police use listening devices to gather information to blackmail intellectuals to assist in the eradication of dissent. East Germany was not the only place in the Cold War era using surveillance to suppress dissent. Even in the United States in the 1950s and 1960s, J. Edgar Hoover's FBI bugged the phones of civil rights leaders, including Martin Luther King Jr., to root out suspected subversive elements. Most Americans viewed this as a reprehensible use of government surveillance, and the very mention of the word, even before Snowden's disclosure, evoked disquiet among the public. But what Snowden exposed was not any sort of rogue operation but programs authorized by the president and Congress and approved by fifteen federal judges. If one accepts that the nation's security remains a legitimate function of government, the

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issue is not surveillance itself; it is the proper way such surveillance is conducted.

The NSA surveillance of telephone records that Snowden exposed was different in its intent from the surveillance of the Cold War. Its target was a selected list of 300 to 400 foreign jihadists living abroad. Many of these individuals residing in Syria, Iraq, and Pakistan had been identified by the FBI and the CIA as active bomb makers, assassins, and weapon specialists. This was not domestic surveillance, but when any of these suspects telephoned a phone number in the United States, the NSA checked the billing records of the domestic phone number that had been called to determine all the calls emanating from it. The purpose of this search was to assemble for the FBI a list of contacts that a foreign suspect might have in the United States. To expedite this task, it obtained from telephone companies the billing records, without any names attached, of all their users and stored them in a single archive under its control. While this surveillance targeted foreign terrorists, not domestic dissent, the bulk collection of phone records had the potential for more nefarious use, a danger that Snowden brought to the public's attention. As a result, Congress modified the Patriot Act so that billing records would remain on the computers of the phone companies for a limited time rather than on those of the NSA. The NSA could still search them after obtaining an order from the FISA court, though it could not archive the data for future use, so little harm to individual privacy could be done. Snowden deserves a large share of the credit not only for this change but for making the public aware of domestic surveillance.

The bad part of the equation is that Snowden deeply damaged an intelligence system that American presidents have relied on for over six decades. The heart of that system was the sources and methods used to intercept other nations' communications. Until Snowden, the NSA's wall of secrecy kept these nations from knowing about them or, in some cases, even realizing that they were vulnerable to interception. For example, as previously discussed, the NSA had developed the remarkable ability to tap into an adversary nation's computers,

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even though they had been isolated from any network. This innovation had provided President Obama and his national security team an edge of which our adversaries were unaware from 2008 to 2013. However, Snowden deliberately nullified this advantage in 2013 by revealing this technology (which was published in *The New York Times* and other newspapers). The vast number of documents that he compromised contained many other secret sources and methods.

The full extent of the damage Snowden did may never be fully known, even though the Department of Defense spent the better part of a year, and tens of thousands of investigative man-hours, trying to sort out just the compromised sources and methods pertaining to military and cyber-defense operations. In addition to the direct and significant cost to taxpayers represented by this investigation, one measure of how serious the loss has been was revealed by Michael McConnell, the vice-chairman of the company for which Snowden had worked at the time of the breach. McConnell stated publicly, "Snowden has compromised more capability than any spy in U.S. history." McConnell had no obvious reason to exaggerate the loss because his company, Booz Allen Hamilton, was partly responsible for the damage. It hired Snowden, as will be recalled, even after its vetters had detected an untruthful statement in his application. McConnell said, "This will have impact on our ability to do our mission for the next twenty to thirty years." By any measure, two decades of lost intelligence is a steep price to pay.

To be sure, the practical value of peacetime intelligence about the activities of adversary states is not always evident. What is far clearer to the public is the value of intelligence that can thwart terrorist attacks against subways, theaters, and other civilian targets. We have seen that Snowden also deprived the NSA of much of the effectiveness of its PRISM program by revealing it, through the articles published at his specific behest in *The Guardian* and *The Washington Post* that explained how it worked. This single revelation compromised a system, duly authorized by Congress and the president, that had been the government's single most effective tool for learning in advance about attacks in America and Europe by jihadist terrorists.

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The ugly part of the equation is the rampant growth of the public's distrust of the institutions of government in America. According to recent polls, 4 out of 5 Americans distrust the government. Snowden did not create this new age of distrust, but his disclosures greatly contributed to it, as well as to the worldwide distrust of the U.S. government. This post-Snowden distrust is especially powerful in the section of the international media that assisted Snowden in his release of NSA documents. In defending Snowden, it questions the truthfulness of any government official or member of Congress who discloses information contradicting Snowden's claims or showing that there was some benefit to the multibillion-dollar intelligence system that he compromised. Even Senator Dianne Feinstein, who herself fought the secrecy of the CIA for years, was not exempt from such distrust when she asserted in June 2013 that the program that Snowden had compromised had helped avert a bloody carnage on the New York subways in September 2009, as mentioned earlier. That she was the ranking Democrat on the Senate Select Committee on Intelligence, and briefed on the program at the time of the attack, did not prevent a distrustful press from attempting to impeach her credibility and that of the fourteen other members of the Senate Select Committee and the twenty members of the House Select Committee on Intelligence who had affirmed her assertion.

In this culture of distrust, any claim that any of the secrets that Snowden disclosed could have caused any harm is preemptively dismissed as government propaganda. Snowden's word also is taken over that of government officials because, as *The Nation* explained, Snowden speaks "truth to power." Such a formulation of distrust allows those who accept it to dismiss all assertions of government officials representing power who contradict Snowden's version of reality. Such is Snowden's glorified aura that even when his revelations expose purported U.S. government actions in foreign lands, including the alleged tapping of friendly government officials' conversations, such as Angela Merkel's, these are implicitly conflated with the NSA's domestic surveillance program, around which a

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popular movement has emerged questioning its purpose and methods. As a result, a legitimate debate on what should constitute our domestic liberties—and potential limits to those when facing significant security concerns—has largely obfuscated in this mind-set the reality of Snowden's weakening, durably and structurally, the critical ability of the United States and its allies to address their mounting external security challenges. In this culture of distrust, whatever contradicts the innocent whistle-blower narrative can be preemptively dismissed because Snowden, even though he remains ensconced in Moscow at an unknown location, remains the ultimate truth teller.

I do not accept either this formulation of Snowden or his version of the events in which he was the hero. Opening a Pandora's box of government secrets is a dangerous undertaking. Whether Snowden's theft of state secrets proceeded from an idealistic attempt to right a wrong, a narcissistic drive to obtain personal recognition, an intent to weaken the foundations of the surveillance infrastructure in which he worked, or a combination of such factors, by the time he arrived in Moscow, it had evolved, deliberately or not, but necessarily, into a mission of disclosing key national secrets to a foreign power. In the end, such conjectures about Snowden's motives matter less than that he was helped, consciously or not, by others with interests that differed from those of the United States. The effects on America of such a massive breach of confidence might not easily be reversible.

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Edward Jay Epstein graduated from Cornell University and received a Ph.D. from Harvard. His undergraduate thesis on the search for political truth became a best-selling book, *Inquest: The Warren Commission and the Establishment of Truth*. His doctoral dissertation on television news was excerpted in *The New Yorker* and published as *News from Nowhere*. After teaching political science at MIT and UCLA, he became a full-time author. He won the prestigious *Financial Times*/Booz Allen & Hamilton Global Business Book Award for both best biography and best business book for *Dossier: The Secret History of Armand Hammer*. He has written investigative pieces for *The New Yorker, Vanity Fair, The Atlantic*, and *The New York Review of Books*. He lives in New York City.

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When It Comes to Wall Street, Preet Bharara Is No Hero

The prominent U.S. attorney fired by Donald Trump this weekend has been justly acclaimed for his pursuit of political corruption. But his treatment of the Wall Street executives involved in the financial meltdown was far less confrontational.

by Jesse Eisinger
ProPublica, March 12, 2017, 6:22 p.m.

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Preet Bharara, then U.S. attorney for the Southern District of New York, at Trump Tower in November 2016 (Drew Angerer/Getty Images)

After his election in 1968, President Richard Nixon asked Robert Morgenthau, the US Attorney for the Southern District of New York, to resign. Morgenthau refused to leave voluntarily, saying it degraded the office to treat it as a patronage position.

Nixon's move precipitated a political crisis. The president named a replacement. Powerful politicians lined up to support Morgenthau. Morgenthau had taken on mobsters and power brokers. He had repeatedly prosecuted Roy Cohn, the sleazy New York lawyer who had been Senator Joe McCarthy's right-hand man. (One of Cohn's clients and protégés was a young New York City real estate developer named Donald Trump.) When Cohn complained that Morgenthau had a vendetta against him, Morgenthau replied, "A man is not immune from prosecution merely because a United States Attorney happens not to like him."

Morgenthau carried that confrontational attitude to the world of business. He pioneered the Southern District's approach to corporate crime. When his prosecutors took on corporate

fraud, they did not reach settlements that called for fines, the current fashion these days. They filed criminal charges against the executives responsible.

Before Morgenthau, the Department of Justice focused on two-bit corporate misdeeds—Ponzi schemes and boiler room operations. Morgenthau changed that. His prosecutors went after CEOs and their enablers—the accountants and lawyers who abetted the frauds or looked the other way. "How do you justify prosecuting a nineteen-year old who sells drugs on a street corner when you say it's too complicated to go after the people who move the money?" he once asked.

Morgenthau's years as United States Attorney were followed by political success. He was elected New York County District Attorney in 1974, the first of seven consecutive terms for that office.

There are parallels between Morgenthau, and Preet Bharara, the U.S. attorney for the Southern District who was fired by President Trump this weekend.

Like Morgenthau, the 48-year old Bharara leaves the office of US Attorney for the Southern District celebrated for taking on corrupt and powerful politicians. Bharara prosecuted two of the infamous "three men in a room" who ran New York state: Sheldon Silver, the Democratic speaker of the assembly and Dean Skelos, the Republican Senate majority leader.

He won convictions of a startling array of local politicians, carrying on the work of the Moreland Commission, an ethics inquiry created and then dismissed by New York's Gov. Andrew Cuomo. (This weekend, Bharara cryptically tweeted that "I know what the Moreland Commission must have felt like," a suggestion that he was fired as he was pursuing cases pointed at Trump or his allies.)

But the record shows that Bharara was much less aggressive when it came to confronting Wall Street's misdeeds.

President Obama appointed Bharara in 2009, amid the wreckage of the worst financial crisis since the Great Depression. He inherited ongoing investigations into the collapse, including a probe against Lehman Brothers.

He also inherited something he and his young charges found more alluring: insider-trading cases against hedge fund managers. His office focused obsessively on those. At one point, the Southern District racked up a record of 85-0 in those cases. (Appeals courts would later throw out two prominent convictions, infuriating him and dealing blows to several other cases.)

Hedge funds are safer targets. The firms aren't enmeshed in the global financial markets in the way that giant banks are. Insider trading cases are relatively easy to win and don't address systemic abuses that helped bring down the financial system.

Even there his record was more mixed than is popularly understood. As Sheelah Kolhatkar demonstrates in her propulsive and riveting "Black Edge," when it came to bringing his biggest whale to justice, Steve Cohen of SAC Capital, the Southern District blinked. They did not charge him, only securing a guilty plea from his firm.

Present and former prosecutors say Bharara did not give much emphasis to investigations arising from the financial meltdown, an approach shared by his boss, Attorney General Eric Holder. Justice Department insiders say many of those inquiries withered not because they were unpromising, but because they had little support.

Bharara missed an opportunity by not bringing any significant criminal charges against individuals in the wake of the collapses of Lehman, investment bank Merrill Lynch, the insurer AIG, the mortgage securities and collateralized debt obligation businesses, or the myriad public misrepresentations from bank CEOs about their finances.

Bharara and senior officials in Washington argue that there were no criminal cases to file after the 2008 crisis. But the U.S. attorney's office in Manhattan did pursue significant civil cases against the banks for their mortgage activities, cases that had to proove misconduct by the "preponderance of the evidence." And DOJ did win guilty pleas from the banks themselves, an indication that prosecutors might have been able to charge individuals for their part in crimes their institutions had acknowledged. Academics who studied those years, including Columbia's Tomasz Piskorski and James Witkin and Chicago's Amit Seru found widespread patterns of fraud in the mortgage business.

The exception makes this failure all the more puzzling. As I detailed in 2014, Bharara's office brought one case for misconduct during the financial crisis — against a mid-level banker. Prosecutors charged Kareem Serageldin of Credit Suisse with overseeing traders who knowingly misrepresented the value of mortgage securities. Serageldin pleaded guilty and went to prison.

Serageldin's colleagues in the industry and others familiar with Credit Suisse found it hard to believe that he was the only person involved in that particular fraud.

Bharara's reluctance to pursue senior executives was seen in other investigations of big banks. His office wrested a $1.7 billion fine from JPMorgan Chase over its complicity in the Bernie Madoff Ponzi scheme, but it brought no charges against individual bankers.

One odd aspect of his tenure was the Southern District's willingness to defer to other jurisdictions when it came to Wall Street cases.

Historically, the SDNY has been the leading enforcers of securities laws, nicknamed the "sovereign district" for its propensity to grab corporate fraud cases from elsewhere on the flimsiest of jurisdictional pretexts. Under Bharara, the southern district let other U.S. attorneys claim investigations into residential mortgage-backed securities, the instruments at the heart of the financial crisis. Those other offices were not nearly as versed in complex

financial cases as their colleagues in Manhattan. In addition, Bharara's office ceded post-financial crisis investigations into foreign exchange and global interest rate manipulation to prosecutors working from the Justice Department's headquarters.

Like Morgenthau, Bharara was a prominent figure in the New York landscape, given to well-orchestrated press conferences and memorable sound bites. Like Morgenthau, he did not leave office quietly, even thought the president has a longstanding right to name his own U.S. attorneys. And like Morgenthau, he may try to parlay his martyrdom into elective office.

But if he runs on his record of convictions, as prosecutors often do, voters might want to consider as well the list of possible targets he never pursued.

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Jesse Eisinger

Jesse Eisinger is a senior reporter at ProPublica, covering Wall Street and finance.

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SERIOUS MOONLIGHT
Behind the scenes at the 2017 Academy Awards with filmdom's first lady of Oscar cheerleading (my close friends know I was captain of the twirlers in high school)

By Peggy Siegal

UPDATED: Tuesday at 6pm

Was this year different from all other years at the Oscars?

In one way, it wasn't. A24's "Moonlight" won best picture because voters went for content over style. The win was for it's poetic take on the American ideals that the Academy values most and wants reflected globally. History was also made as "Moonlight" became the first Oscar winner with an all black cast and addressed the LGBTQ community. And, it was a beautiful film.

But on the other hand, Oscar voters were also dealing with a political and emotional crisis in the film industry. After two years of #OscarsSoWhite, they responded by nominating a record six African American actors, four African American producers and one African American director, Barry Jenkins, the fourth ever nominated in that category. Three films addressing race were nominated for best picture: "Fences," "Hidden Figures" and "Moonlight."

Lionsgate's "La La Land" was a joyous escape from months of simmering frustration and anger at Donald J. Trump, himself a creature of the entertainment industry. The charming and modern musical "La La" danced its way to multiple awards from critics, at the PGA, the DGA, the BAFTA and the Venice Film Festival, a record seven Golden Globes, en route to an historic fourteen Academy Award nominations. Prognosticators predicted a "La La" landslide.

So what happened? Days before the voting deadline, "La La Land" was tripped-up by a last-minute backlash against frivolity. Even in La La Land, these are serious times.

Backstage at the Dolby Theater, star-struck nitwit accountant Brian Cullinan, oblivious to the fact that the Oscars are a sacred secular ceremony and distracted while tweeting a photo of Emma Stone, handed Warren Beatty the wrong envelope. Chaos—and headlines—ensued. Tweets, chaos and headlines? It was all too Trump for words.

When I arrived at the Dolby Theater that night, I asked a dateless Andrew Garfield to take me onto the red carpet with him, to the chagrin of his publicist. But a security guard rejected me because my ticket was the wrong color. Andrew winked, laughed and disappeared. Undaunted, I went back to the curb to find another walker. As I stood at the limo drop-off, inconspicuous in a day-glow orange satin dress, Kelly Bush, a publicist I knew from last year's "The Revenant" campaign, sidled over and said, "There is going to be an upset. 'Moonlight' is winning."

On cue, "La La Land" producer Marc Platt arrived with the studs on his formal shirt popping off. As I nervously fiddled in his buttonholes, I blurted, "Kelly Bush just said 'Moonlight' is winning." Marc turned white.

The red carpet was a three lane highway. The speed lane was for the super stars, the middle for frantic handlers, and on the right was the schlepper lane for relatives and relative nobodies.

Four security guards escorted me there. By the time Marc and I met again at the end of the three prong red carpet, "La La Land" publicist and West Coast campaign queen Lisa Taback was furious I'd told the shaken producer his film might lose. I said, "Kelly Bush said that, not me." But I felt terrible.

Sure enough, the "La La" landslide never happened. It did win a spectacular six Oscars before Warren Beatty and Faye Dunaway walked to center stage for the best picture finale.
I was now standing against the wall at the first row of the first balcony. Lionsgate publicists Julie Fontaine and Jennifer Peterson, both dressed in haute couture gowns and borrowed emeralds, anxiously insisted I join their good luck group hug as best picture was announced. Despite my faux pas, and my work on most of the year's top films, including "Moonlight," "Manchester by the Sea" and "Hidden Figures," Oscar night I was in the "La La" camp due to my long friendship with it's director Damien Chazelle.

So we three bejeweled broads were hugging tightly, when Faye broke Warren's pregnant pause and screamed "La La Land". The girls cried, the "La La" producers ran to the stage and I was thinking about how to apologize to Marc Platt as he thanked his family. Then, the stage filled up with men in headsets. Producer Jordan Horowitz, the class act of the evening, grabbed the right card and calmly announced "Moonlight. No Joke." Platt, Horowitz and their co-producer Fred Berger handed their Oscars to Moonlight director Barry Jenkins, and producers Jeremy Kleiner and Adele Romanski and left the stage as Mahershala Ali, the first Muslim actor to get the gold guy, joined the cast waving *his* historic Oscar.

Julie and Jennifer ran to Soho House to oversee Lionsgate's victory party, where hundreds of confused well-wishers waited to celebrate the "La La" wins, including Emma Stone's best actress, Justin Hurwitz's best score, and Benj Pasek, Justin Paul and Justin Hurwitz's best song for "City of Stars." At 32, Damien Chazelle also made history as the youngest best director ever. Some, lacking any empathy for the winners and losers onstage, called this historic screw-up "great live-television." But standing in the balcony, alone and speechless, all I could think was, *"How did I miss this?"*

I ran to the Governor's Ball, which is the next stop for winners on their busy night. They get their statues engraved there before they drop by their studio's party, get photographed, Oscar in hand at Vanity Fair's fete, wall-to-wall with celebrities, and then head to Guy Oseary's home high in Beverly Hills to rock-and-roll 'till dawn.

At the entrance to the Governor's Ball, Warren Beatty walked up to me, still holding the two priceless envelopes as proof of his innocence. I asked him, "What happened?"

His phone rang. It was so noisy, he bent toward me to hear better. The phone was almost in my face and I heard Annette Benning asking where he was and saying, "Warren, come home." Warren said, "No. I have done nothing wrong."

Warren's wonderful film, "Rules Don't Apply" received little Academy love, yet he was generous enough to show up. Now, fifty years after "Bonnie and Clyde," he was in the Oscar spotlight again, the latest unwitting star of Oscar's all-time blooper reel. As Jimmy Kimmel said, "We don't have to watch reality shows anymore because we are living in one."

Here's reality-show Oscar week as I lived it:

Tuesday, February 21st

I checked into Jeff Klein's Sunset Tower Hotel still exhausted from last weekend's oh-so-grand birthday extravaganza thrown by fun loving billionaire Stephen Schwarzman in Palm Beach—and headed straight to Charles Finch's photo exhibition, "The Art of Behind the Scenes," to see rare candid on-set photos of Audrey Hepburn, Brigitte Bardot, Grace Kelly and Ava Gardner.

Oscar balloting had closed an hour earlier, and IndieWire's Oscar blogger Anne Thompson announced that a female friend had voted for all the diverse and minority nominees. This first hint of things to come didn't register as a bell ringer for best picture. Spotted: Jean Pigozzi, Brett Ratner and Paul Haggis.

Back at The Sunset Tower Bar, diminutive maitre d' Dmitri Dimitrov slid up to me, cupped his hands in prayer and whispered, "Lady Gaga and Bradley Cooper are in the corner booth with Warner Bros. Sue Kroll." They were talking about their remake of "A Star is Born" going into production within the month.

At the next table was Ryan Murphy, creator of the multi-award winning FX mini-series "The People vs. O.J. Simpson: American Crime Story," eating with his muse Sarah Paulson, who won countless awards for portraying Marcia Clark. I joked that the Oscar nominated documentary "O.J.: Made in America" from ESPN would win because voters thought both films are the same.

Wednesday, February 22nd

I met Adam Lindemann and museum director Michael Govan at LACMA's The Inner Eye: Vision and Transcendence in African Art. Michael and I discussed the struggle to diversify the Academy. He told me that at LACMA he'd hired women, African American and Latino curators years before.

Vanity Fair Editor-in-Chief Graydon Carter and Barneys hosted a private dinner for "La La Land" at the Chateau Marmont. Graydon always tries to entertain the winning film. Drinks around the pool were followed by a seated dinner for fifty in a bungalow. Emma Stone brought her mother. Handsome hotelier Andre Balazs darts around. Ryan Gosling stayed home with his girlfriend Eva Mendes and their two baby girls. Emma talked about her next film "Battle of the Sexes." She plays Billie Jean King opposite Steve Carell, an excellent tennis player in real life, as Bobby Riggs.

Damien Chazelle came late from a dinner for the nominated directors. The Academy hosts a series of secret dinners during Oscar week for key nominees to keep them away from sponsors who profit from their celebrity. They also want to protect their own sponsor, ABC-TV, with exclusivity and audience surprise.

Thursday, February 23rd

Larry Gagosian's annual Oscar-week art opening is always a hot ticket. Serious collectors blended in unnoticed among the mere lookers and pretty gallerists quietly pointing out one glorious Joe Bradley painting after another. Each costs a cool million and between 6:00pm and 8:00pm they are all sold. Buyers and Larry's close friends then migrate down the block to Mr. Chow. Elton John and David Furnish, Jonah Hill, Dakota Johnson, Sharon Stone,

NBCUniversal's Ron Meyer, Gus Van Sant, Emily Ratajkowski, Dasha Zhukova, artists Alex Israel, Harmony Korine and Dan Colen, rocker Robbie Robertson and Page Six's Ian Mohr dig into orange chicken on sticks. Larry's girls come around and slip his home address onto laps. This means you have made the cut to attend Larry's after party at his house.

Ian and I head to Paul Haggis' intimate Artist for Peace and Justice benefit dinner for 65 at the LA club No Name where a great time set guests back $2,500 for Haiti. We arrive just in time to hear Jeff Bridges sing a song from "Crazy Heart", Jack Black recall "School of Rock " and Rita Wilson sing ABBA's "Dancing Queen". Jackson Browne is the master of ceremonies.

I end up at A24's party at the Sunset Tower for their films "20th Century Woman" and "Moonlight". Barry Jenkins wants to know if he is winning the Oscar. I chirp, "Yes, best adapted screenplay is all yours!" Not the answer he was looking for. I should have said, "Yes, you will win best picture, make history and bring the house down." I would have looked like a genius.

Finally, I speak to Janelle Monae, who is absolutely stunning. She also wants to know if "Hidden Figures" is winning the Oscar. I assure her that her real win was at the box office.

Before passing out in my Sunset Tower suite, I email Damien Chazelle a social wrap-up on the evening, as he is now sick as a dog, in bed with his dog and has had visiting nurses injecting fluids into his flu-infested body all day.

He, too, asks if he is winning the Oscar. I write, "It's not if, but how many".

Friday, February 24

I'm a gal hell bent on making a fashion statement with every outing, who runs her business from the back seat of a chauffeured black Cadillac with the license plate PEG-FILM. So marching or attending a protest rally is not the likely place to find me. But when I read the United Talent Agency's United Voice Rally was happening at their Beverly Hills headquarters--2,000 of the creative community's best looking turning out on a gorgeous afternoon to stand together for freedom of speech, and against exclusion and division, it was an invitation I couldn't refuse. This is a substitute for UTA's traditional pre-Oscar party--and the ten percenters donated and raised $320,000 for the American Civil Liberties Union and the International Rescue Committee. CEO Jeremy Zimmer and clients Jodie Foster and Michael J. Fox speak passionately.

The surprise highlight is taped remarks from Iranian filmmaker Asghar Farhadi, nominated for "The Salesman". Farhadi made international headlines announcing he would not travel to Hollywood in protest of President Trump's proposed travel ban on seven Muslim countries. Some Oscar voters do not see all five nominated foreign films, so Trump assured Asghar his Oscar.

I stop by the Women in Film cocktail party at Nightingale Plaza where Meryl Streep announces, "I feel like never saying anything again." We hear last year's best actress Brie Larson and activist/documentary nominee Ava DuVernay speak. Back at the Sunset Tower, Livia and Colin Firth host their annual dinner for 50 to celebrate The Green Carpet Challenge and The Journey to Sustainable Luxury. Spotted: Emma Stone, Meryl Streep, Ruth Negga, Kevin Bacon, Tom Ford, Salma Hayek, and Mick Jagger. Kyra Sedgwick arrives late from directing her first film, "Story of a Girl," starring her husband Kevin Bacon. Kyra sits with Meryl

over coffee and says how exciting it is to direct. When I ask Meryl if she will join the minute ranks of female directors, the acting icon says, "Never. My job is done at the end of the day. I like to go home at night and let someone else worry about tomorrow's location."

Friday ends at the CAA party, a tough ticket now handed out by Maha Dahkil and Michael Kives. The white tent is filled with a sea of celebrity. Every CAA client comes out to eat, mingle, kibbitz and dance. Spotted: Meryl Streep (yes, she had a busy day too), Leonardo DiCaprio, Scarlett Johansson, Gwyneth Paltrow, Orlando Bloom, Jerry Bruckheimer, J.J. Abrams, Ron Howard, Naomi Watts, Mick Jagger, Lady Gaga, Barry Jenkins, John Mayer, Arnold Schwarzenegger, Kate Hudson, Jon Hamm and Jeff Bezos.

At 2 a.m. I email Damien Chazelle another party report as he is still sick in bed. Now, a team of medical talent is working on getting him well for Oscar night.

Saturday, February 25

I march down to the Academy's theater to hear my producer friend (since "Diner"), Mark Johnson, also an Academy governor, conduct a symposium for four of five nominated foreign film directors. As brilliant as the conversation was, four guys from Australia, Denmark, Germany and Sweden depressingly knew that the absent Iranian Asghar Farhadi was winning.

I took Mark, instead of the still-quarantined Damien Chazelle, up Coldwater Canyon to Barry Diller and Diane von Furstenberg's annual picnic lunch for Graydon Carter and Anna Scott. This gathering of the powerful and mighty occurs at exactly the same time as the Independent Spirit Awards for young and new talent. The two hot owners of A24, David Fenkel and Daniel Katz, are so sure their "Moonlight" was winning all six awards they are here instead of the Spirit Award's tent on the beach in Santa Monica. When asked, "What are you doing here?" they simultaneously say, "Our people are there." The reason they were on the lawn for the first time is that they have a new television and film production deal with Diller.

It's all very familiar, cozy and the best party of the week. Collectively there are more Oscar and Emmy winners on this lawn than will file into the Dolby Theater on Sunday.

I sit with petite Gloria Cooper, mother of Bradley. She is the only one wearing a hat, a large white felt fedora hiding enormous black sunglasses and her pretty face. I entertain Gloria with local gossip, which she loves, but when I ask her for details on the start of production for "A Star is Born," I get nothing.

I ask guests, "Who is winning best actor"? They reply, "Denzel, but I voted for Casey". Casey, who touched my heart on and off screen, ran in a tight race with humility, despite a nasty whisper campaign against him. I never asked about best picture. I'm still in thrall to the conventional wisdom: It's a "La La" landslide.

Rupert Murdoch brings his bride Jerry Hall who kisses and chats with Mick Jagger as the lawn people try to eavesdrop. Spotted: DvF's kids Alexander and Tatiana, Sir Howard Stringer, Oliver Stone, Ted Sarandos, Brett Ratner, Ron Meyer, Tom Ford, Larry Gagosian and Chrissie Erpf, Jeffrey Katzenberg, George Stevens, Jr., Toby Maguire, Sandy Gallin, Robert Kraft, Harvey Weinstein and breathtakingly beautiful Georgina Chapman, Lynn Wyatt, Fran Lebowitz, Henry Kravis, Jeff and Scott Berg and Irwin Winkler.

Another favorite event is Charles Finch's star-studded dinner at Madeo sponsored by Chanel. I sit next to Amazon's Roy Price and Oliver Stone, who sits next to Michael Keaton. I bring over Pharrell Williams to meet Oliver Stone, director of "Snowden" and "JFK." The conversation segwayed from Hillary Clinton to Oliver's new documentary on Putin.

Lily Collins comes over and asks to be introduced to Mick Jagger at the table next to us. She says, "Tell Mick my father says 'hello.'" Lily is the daughter of Phil Collins and starred in Warren Beatty's "Rules Don't Apply". Mick, never one to pass up a flirt with an Audrey Hepburn look-alike, whispers in her ear that he loved her in the film and was on the set, but sadly missed her.

Spotted: Nicole Kidman, Naomi Watts, Christian Louboutin, Kristen Stewart, Ruth Negga and "Arrival" director Denis Villeneuve.

Wendy Stark, daughter of "Funny Girl" producer Ray Stark and granddaughter of Fanny Brice, invited me to Jeffrey Katzenberg's Night Before Party on the Fox lot for the Motion Picture Home. Walking around with Linda and Jerry Bruckheimer, I kiss David O. Russell and Colleen Camp. Brian D'Arcy James tells me he may return to his original role in "Hamilton" as King George. I go home with the heaviest swag bag in the world.

Sunday, Feb. 26th

The shocking end of the Oscar show continues to mystify me. How could I be so close to every filmmaker and totally miss the upset?

Because Damien is still sick, he begs off on his invitation to take me to Guy Oseary's—and heads back to bed. As I stand at the end of the Vanity Fair carpet at the entrance to the Wallis Annenberg Center, Casey Affleck arrives holding his Oscar. I ask him to replace Damien as my escort and he says, "Of course. I am leaving in 15 minutes. Don't lose me." Casey then sends me off to find Jimmy Kimmel, who has already left the party. Fifteen minutes turns into an hour as everyone wants a selfie with the winner.

Spotted from "Moonlight": Barry Jenkins, Mahershala Ali, Naomie Harris, Jeremy Kleiner. From "La La Land" Emma Stone and John Legend. From "Manchester by the Sea", Casey Affleck, Michelle Williams, Lucas Hedges and Kenny Lonergan. From "Hidden Figures": Taraji P. Henson, Octavia Spencer and Pharrell Williams, and "Fences" Oscar winner Viola Davis. Also swirling around the room: Brie Larson, Dakota Fanning, Elton John, Amy Adams, Jennifer Aniston, Javier Bardem, Michael Shannon, Alicia Vikander, Scarlett Johansson, Lin-Manuel Miranda, Halle Berry, Isabelle Huppert, Michelle Dockery, Faye Dunaway, Andrew Garfield, Dakota Johnson, Mick Jagger and family, Kelly Ripa, and Patty and Lydia Hearst. I find exhausted Oscar show producers Jennifer Todd and Mike De Luca and tell them what a wonderful job they did.

On the way out, a familiar looking lady keeps waving and smiling at Casey as we wait in the cold for cars. I say, "Casey, that is Monica Lewinsky waving at you." Casey is unfazed; he can't wait to get out of the spotlight. Once we reach the Checkpoint Charlie to Guy's party, a team of girls wrapped in wool instructs the driver to lower the window and asks for a name. Casey, holding up the Oscar says, "Affleck." She says, "You only have a plus one." The real deal is, if

you win, you can bring a car full of friends—and eventually we're cleared for takeoff. Once inside we lose each other in the darkness and pulsating Caribbean music. I get home at 5:00am, pack my three huge suitcases and rush off to the private airport in Van Nuys, still wondering how I could have missed "Moonlight"'s triumph. Why couldn't I see the forest through the trees? I must have been in La La-land.

xoxo,
Peggy

P.S. The following weekend I arrive in the Dominican Republic at Casa de Campo at the home of sugar baron Pepe Fanjul and his wife Emilia. Juan Carlos, the past king of Spain, wants to watch a few movies with me. I pulled a dozen DVDs out of my bag and say, "Your Majesty, which one"? He says, "First, "La La Land" for fun, then "Moonlight" because it won, then "The Founder" for American ingenuity."

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S&G INVESTMENT MANAGER *Alert*

SUPREME COURT REJECTS NEWMAN REQUIREMENT OF "PECUNIARY OR SIMILARLY VALUABLE" PERSONAL BENEFIT FOR INSIDER TRADING LIABILITY FOR TIPPING FAMILY AND FRIENDS

BY SAMUEL J. LIEBERMAN

The U.S. Supreme Court gave the government a major victory in *Salman v. U.S.*,[1] which lowers the standard for proving insider trading involving tipping family or friends, and will embolden the government to bring similar cases. *Salman* holds that a gift of inside information to a family or friend is sufficient to prove insider trading tipping liability—even if the tipper did not receive a valuable *quid pro quo* in exchange for the tip. This significantly narrows *U.S. v. Newman*, in which the Second Circuit (a lower appellate court) held that a tipper must receive "at least a potential gain of a pecuniary or similarly valuable nature,"

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> *Salman* will almost certainly embolden the SEC and federal prosecutors to bring more insider trading cases, because it is much easier for the government to prove a "gift" to a "friend" than to prove a "pecuniary" or similar *quid pro quo*.

Client Alert

Status of the New DOL Fiduciary Rule

BY DANIEL G. VIOLA

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The Department of Labor's (the "DOL") new fiduciary ruling (the "Rule") has created strife in the securities industry and has the potential to significantly impact how financial advisers and brokers will manage retirement accounts in the future.

Currently, brokers, financial advisers, and other finance professionals do not legally have to act in a client's best interest, with few exceptions, such as those who are registered as investment advisers with the U.S. Securities and Exchange Commission or in individual states. Those who are not registered, like brokers, just have to prove that the investment is suitable, not necessarily the best option, for their client—no matter that that fund might be more expensive and provide

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Supreme Court Rejects Newman Requirement of "Pecuniary or Similarly Valuable" Personal Benefit for Insider Trading Liability for Tipping Family and Friends *(continued from page 1)*

as a personal benefit necessary to be held liable for insider trading.[2] *Salman* will almost certainly embolden the SEC and federal prosecutors to bring more insider trading cases, because it is much easier for the government to prove a "gift" to a "friend" than to prove a "pecuniary" or similar *quid pro quo*.

In *Salman*, an investment banker at Citigroup tipped his brother about certain pending health-care mergers involving Citigroup clients. The brother traded on that information for a profit, and also tipped his brother-in-law, Mr. Salman, who also traded for a profit. At trial, the government relied solely on the tippers giving a gift of inside information to a close family member to satisfy the "personal benefit" requirement of tipper-tippee insider trading liability. The government did not identify any money or other valuable *quid pro quo* paid for the tip. Salman was convicted at trial, and his conviction was upheld by the Court of Appeals for the Ninth Circuit.

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Client Alert: Status of the New DOL Fiduciary Rule *(continued from page 1)*

a better commission for the adviser. The Obama administration found that conflicted advice cost savers about $17 billion a year based on a 2015 report. To be clear, the Rule applies only to retirement accounts like 401(k)s and individual retirement accounts ("IRAs"), not to regular taxable accounts. According to the Investment Company Institute, Americans invest $7.8 trillion in IRAs and $7 trillion in 401(k)s.

On January 20, 2017, the DOL issued two new sets of Frequently Asked Questions ("FAQs") on the Rule. One of the sets of FAQs focuses on the new definition of fiduciary investment advice and the other set is geared toward retirement investors and consumers, covering consumer protection features of the new Rule. This is the second of three rounds of guidance to be published by the DOL prior to the effective date of the new Rule.

The Executive Branch also issued responses to the Rule on January 20, 2017. The White House issued a Memorandum from Reince Priebus to the heads of the executive departments and agencies requesting a sixty (60)-day delay as the effective date of regulations published in the Office of the Federal Register have not taken effect as of yet.

On February 3, 2017, President Trump signed a presidential memorandum to delay the Rule by six (6)-months, casting doubt on its viability. The memorandum instructs the DOL to conduct a new "economic and legal analysis" to determine whether the Rule is likely to harm investors, disrupt the industry or cause an increase in litigation and the price of advice. If the DOL concludes that the regulation does hurt investors or firms, it can propose a rule "rescinding or revising" the regulation. On March 1, 2017, the DOL issued a proposed rule, which will extend the applicability date of its fiduciary rule, including the Best Interest Contract Exemption, from April 10, 2017 to June 9, 2017, a 60-day delay.

Some are saying the Rule would hurt investors because it would supposedly make it harder for people to receive retirement advice. For example, advisers would not be able to afford to service low-balance retirement accounts. On the other hand, consumer, labor and civil rights groups have pushed for the Rule saying that the current system provides a loophole that lets brokers drain money from retirement accounts in fees they receive that can sway the investment advice they give their retirement accounts. We see that many retirement advisers already have chosen to act in their clients' best interests, opting to work under the fiduciary standard—it is ultimately a business advantage.

The FAQs are available on the DOL's website and the Memoranda are available on the White House Press Office website.

FAQs

https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/coi-rules-and-exemptions-part-2.pdf

https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/consumer-protections-for-retirement-investors-your-rights-and-financial-advisers.pdf

Memoranda

January 20, 2017—Regulatory Freeze Pending Review
https://www.whitehouse.gov/the-press-office/2017/01/20/memorandum-heads-executive-departments-and-agencies

February 3, 2017—Fiduciary Duty Rule
https://www.whitehouse.gov/the-press-office/2017/02/03/ presidential-memorandum-fiduciary-duty-rule

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The Supreme Court affirmed Salman's conviction, holding that a gift of inside information to family or friends is sufficient to prove a "personal benefit" for insider trading tipping liability. The Court reasoned that such a gift can be inferred to "provide the equivalent of a cash gift."[3] Specifically, the Court reasoned that if the tipper personally traded on inside information himself for a profit, but gave the proceeds to his brother, the tipper received a personal benefit (cash) and is liable for insider trading. So, it reasoned, where a tipper achieves effectively the same result by gifting the information to his brother with the expectation that the brother will trade on the information to obtain a cash profit, the result should be the same.

Importantly, the Supreme Court explicitly stated that it was narrowing the Second Circuit's landmark *Newman* decision. It stated, "[t]o the extent the Second Circuit held that the tipper must also receive something of a 'pecuniary or similarly valuable nature' in exchange for a gift to family or friends,... we agree with the Ninth Circuit that this requirement is inconsistent with Dirks," a prior Supreme Court ruling.[4] This significantly lowers the standard of proof for insider trading tipping liability in cases involving family or friends. The government often cannot find evidence of money or a similarly valuable *quid pro quo* between the tipper and tippee in insider trading cases. So it is much easier to prove a case of insider trading by arguing that the exchange of information was a "gift," which essentially only requires some evidence (even circumstantial evidence such as phone logs) that the tipper gave information to the tippee.

So where does this leave the *Newman* decision? The *Newman* decision itself was not overturned by the Supreme Court, because *Newman* also relied on the lack of proof that the tippees who traded on inside information knew that the tippers provided inside information in exchange for a personal benefit—especially since the tippees were several steps removed from the original tippers. In addition, *Newman*'s "pecuniary or similarly valuable" benefit test should still apply to cases that do not involve tipping family or friends.

> *Salman* significantly lowers the standard of proof for insider trading tipping liability in cases involving family or friends.

Nevertheless, the *Salman* decision tips the scales back in favor of the government in tipping insider trading cases. The SEC and federal prosecutors have shown in the past that they will bring cases based on alleged gifts of inside information to mere social acquaintances, fellow employees, or networking contacts—using strained arguments of "friendship." And they will bring insider trading cases based solely on circumstantial evidence (*e.g.,* a pattern of phone calls) where there is no direct proof of trading based on inside information. Accordingly, with *Salman* imposing a lower standard of proof, it is imperative that clients contact counsel immediately at the first hint of a government insider trading investigation.

[1] *Salman v. U.S.*, No. 15-628, 580 U.S. ___., slip op. (Dec. 6, 2016).

[2] 773 F.3d 438, 452 (2d Cir. 2014).

[3] *Salman*, Slip Op. at 9-10.

[4] *Id.* at 10.

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A CAUTIONARY TALE IN THE USE OF NON-COMPETE AGREEMENTS

BY DOUGLAS R. HIRSCH AND JENNIFER ROSSAN

Employers should give careful consideration to the inclusion of non-competition provisions in employment agreements for low-level employees. The New York Attorney General (the "AG") recently announced that it settled investigations with two companies over their use of non-compete provisions in employment agreements for low-level employees. Policing non-compete provisions is a new regulatory frontier for the AG and it is flexing its regulatory muscle pursuant to § 63 (12) of New York's Executive Law, which provides the AG with authority to enjoin businesses from utilizing "unconscionable contractual provisions."[1]

The AG investigated and recently settled charges with two companies—Law 360 and Jimmy John's Gourmet Sandwiches—based on their use of "unconscionable" non-compete provisions in employment contracts. In the Law 360 matter, the Attorney General found that Law 360's policy of requiring the majority of its employees—including "rank and file" editorial staff who had little to no knowledge of any trade secrets or confidential information—to sign a one-year non-compete was contrary to New York law. Because these employees did not have access to trade secrets and confidential information, the AG charged that the non-compete was not narrowly tailored to Law 360's legitimate business interests and did nothing more than baldly restrain competition. As part of the settlement, Law 360 agreed that, going forward, only a small number of its highly paid executives would be required to sign non-compete agreements.

Similarly, in its investigation of Jimmy John's, the AG found that some franchisees required sandwich makers to sign two-year non-competes that prevented them from working at any establishment within a two-mile radius of a Jimmy John's location that made more than 10% of its revenue from sandwiches. The AG charged that these employees "are highly unlikely to be privy to trade secrets or confidential customer lists or to have unique skills." Consequently, the AG concluded that the non-compete provisions were "unconscionable". As part of its settlement, Jimmy John's agreed to inform its franchisees that the AG found the non-compete provisions to be unlawful and void.

In both of these cases, the AG focused on the effect of a non-compete provision on a low-level employee. Companies should consider avoiding the use of non-compete provisions for administrative personnel and other non-managerial staff. Such provisions are appropriate and are more likely to withstand scrutiny when included in the employment agreements of senior personnel and individuals with unique skills—as long as the provisions are drafted to protect a legitimate business interest. Non-competes are more likely to be upheld if they are designed to ensure that a departing employee will not provide a competitor with an unfair competitive advantage by supplying it with the former employer's trade secrets and/or confidential information. However, it is important to note that requiring all employees—including lower-level staff—to adhere to confidentiality provisions that protect proprietary information and trade secrets does not implicate the same concerns, because enforcement of such provisions does not restrain the employee from working elsewhere. Therefore, confidentiality provisions should be used in all employment agreements where the employee's position involves access to confidential information or trade secrets.

> Non-competes are more likely to be upheld if they are designed to ensure that a departing employee will not provide a competitor with an unfair competitive advantage by supplying it with the former employer's trade secrets and/or confidential information.

Even when a non-compete is appropriate—such as in the case of a senior manager whose departure would create an unfair advantage for a competitor—its scope and duration must be narrowly tailored to protect a legitimate business interest. To be enforceable in New York, a non-compete must be reasonable in time and scope, necessary to protect the employer's legitimate interests, not harmful to the public and not unreasonably burdensome to the employee.

In addition to confidentiality provisions, employers should strongly consider the use of a non-solicitation provision in their employment agreements. Non-solicitation provisions are generally enforceable if they are reasonably related to the employer's interest in protecting relationships with clients the employee worked with or became familiar with while employed. But like non-compete agreements, non-solicitation provisions must also be limited in time and scope.

[1] *See* New York Executive Law § 63 (12).

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THE QUESTION ON ALL OF OUR MINDS: WHAT IMPACT WILL THE TRUMP ADMINISTRATION HAVE ON THE HEDGE FUND INDUSTRY?

BY RON S. GEFFNER AND YEHUDA BRAUNSTEIN

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With the Trump administration in the White House, regulatory uncertainty permeates the financial services industry. While many on Wall Street are very excited by the Trump presidency, others are approaching this new era with trepidation. President Trump is unpredictable in many ways, and the industry eagerly awaits his actions hoping that the financial markets do not respond negatively and create chaos in the global marketplace.

While we should expect that the Trump administration will aim to cut back financial regulation implemented during the last eight years, it is unrealistic to expect that these laws will be eliminated in their entirety. Though the financial markets have been extremely volatile of late and react very swiftly upon the announcement of any meaningful global news, various aspects of recent financial regulation have been positive for the industry. For example, the requirement for many investment advisers to register with the U.S. Securities and Exchange Commission ("SEC"), one of the requirements of The Dodd–Frank Wall Street Reform and Consumer Protection Act ("Dodd Frank") which was signed into federal law by President Obama to be effective as of July 21, 2010, in retrospect, has been viewed as a positive change within the industry. Understandably, when initially introduced in 2010, many asset managers located within the United States and abroad that were required to register as investment advisers with the SEC as a result of Dodd-Frank were opposed to the changes. However, many advisers, investors and regulators now agree that requiring a larger number of advisers to be accountable to higher regulatory standards has created an environment where investors and counterparties have more confidence in the oversight of those managers and the industry as a whole.

It is also important to remember that any time the government or a regulator changes the laws, rules or regulations, those businesses affected incur capital and opportunity costs in connection with analyzing the changes in law and implementing operational changes to comply with the new laws. For example, when Dodd-Frank was originally enacted, at the time of registration, those investment advisers that were required to register as advisers with the SEC were required to adopt written policies and procedures and invested capital into their operations and technology to support compliance. Therefore, we expect that caution will be exercised before significant change is made to avoid the various costs associated with implementing change. A case in point is the new DOL Rule (discussed earlier in this newsletter), originally set to take effect on April 10, 2017. Investment advisers impacted by the DOL Rule, have already been forced to analyze the DOL Rule and its impact on their businesses, and some advisers have already begun to implement changes to their operations and procedures. The DOL Rule has been the subject of much debate. While some industry experts believe that the DOL Rule is onerous and materially increases the costs associated with providing services to clients, supporters of the DOL Rule believe that it is necessary to protect investors against brokers who are unnecessarily selling high-fee investments to their clients. On February 3, 2017, President Trump signed a memorandum to delay the DOL Rule by six (6)-months. On March 1, 2017, the DOL issued a proposed rule, which will extend the applicability date of its fiduciary rule, including the Best Interest Contract Exemption, from April 10, 2017 to June 9, 2017, a 60-day delay. If the DOL Rule is ultimately modified or even eliminated, some advisers may have to reverse their recently-implemented changes.

In conclusion, we do not believe that regulations in the financial industry will be eliminated in their entirety. For example, if the requirement to register as an investment adviser with the SEC is materially modified or no longer required, we expect that many investment advisers would maintain their registration as it is perceived to be a competitive advantage compared to those managers that are not registered. While we expect the Trump administration to improve the financial services industry by having more balanced regulations, we believe that this administration will quickly realize that there are a lot of reasonable and sensible regulations currently in place that are working well, and that eliminating rules wholesale can create chaos in the financial markets and may come at a high price to their constituents.

Ron S. Geffner *is a Partner and Head of the Financial Services Group of Sadis & Goldberg LLP. He regularly structures, organizes and counsels private investment vehicles, investment advisory organizations, broker-dealers, commodity pool operators and other investment fiduciaries. Mr. Geffner also routinely counsels clients in connection with regulatory investigations and actions. His broad background with federal and state securities laws and the rules, regulations and customary practices of the SEC, Financial Industry Regulatory Authority, Commodity Futures Trading Commission and various other regulatory bodies enables him to provide strategic guidance to a diverse clientele. He provides legal services to hundreds of hedge funds, private equity funds and venture capital funds organized in the United States and offshore. Ron can be reached at 212.573.6660, or at rgeffner@sglawyers.com.*

Yehuda M. Braunstein *heads up the Family Office practice and is also a member of the firm's Financial Services and Corporate Groups. Mr. Braunstein counsels family office clients in connection with all aspects of their operations, including formation issues, governance and compensation issues, transactional and day-to-day matters, as well as compliance issues. Mr. Braunstein's practice also focuses on investment funds, securities, joint ventures and investment advisers. He regularly structures and organizes hedge funds, private equity funds (including real estate, distressed and lending funds), funds of funds, separately managed accounts and hybrid funds. Additionally, he advises private fund managers on structure, compensation, employment and investor issues, and other matters relating to management companies. Mr. Braunstein also structures and negotiates seed investments and operating agreements. He provides ongoing advice to investment advisers on securities law issues, including SEC filings. His practice also involves counseling clients in SEC regulatory matters, including compliance issues related to registered advisers, as well as conducting mock audits. Yehuda can be reached at 212.573.8029, or ybraunstein@sglawyers.com.*

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COMPLIANCE DEADLINES – Second Quarter 2017

There are many regulatory filings and compliance forms that investment managers need to complete throughout the year. Below is a list of some of the key compliance dates for the second quarter of 2017. Please note that this is general advice that is applicable to most investment advisers with a December 31st fiscal year end. This list is not exhaustive and contains some best practice compliance suggestions.

DATE	ACTIVITY
April 1	**ERISA Schedule C of Form 5500 Disclosure.** Adviser may be required to report certain information to its ERISA plan clients and investors for their use in completing Department of Labor Form 5500.
April 10	**Form 13H.** Form 13H (large trader) quarterly filing is due for Q1 2017 for advisers that already have Form 13H filing obligation and have changes to any of the information reported.
April 15	**Form PF for Large Liquidity Fund Advisers.** Large liquidity fund advisers must file Form PF with the U.S. Securities and Exchange Commission ("SEC") on the IARD system within 15 days of each fiscal quarterly end.
	Brokerage Committee Meeting. Conduct quarterly brokerage committee meeting.
April 30	**Private Fund Audited Financial Statements.** Distribute audited financial statements to investors for any private investment fund for which the adviser or a related person has custody of the fund's assets, assuming the adviser is registered with the SEC or a state authority.
	Annual Delivery of Form ADV Part 2. Send to all clients and fund investors a copy of the adviser's Form ADV Part 2, assuming the adviser is registered with the SEC or a state authority.[1]
	U.S. FATCA Notification Deadline. Deadline by which all Cayman Financial Institutions ("FIs") and Non Reporting FIs are required to make certain notifications as to their Common Reporting Standard ("CRS") reporting status to the Cayman Islands Tax Information Authority (the "TIA"), as the jurisdiction's competent authority for purposes of the CRS.
	Access Person Quarterly Transaction Reports. Collect quarterly reports from access persons for their personal securities transactions.
	Code of Ethics and Compliance Manual. Distribute code of ethics and compliance manual to employees, including acknowledgment form.
	Annual Filers – Form PF with SEC. Private equity funds and smaller private fund advisers with a December 31st fiscal year end, assuming the adviser is registered with the SEC.
May 15	**Form 13F.** File any required Form 13F with the SEC.
May 30	**Privacy Policy Notices.** Send an annual privacy notice to every natural person client or fund investor, which could be included with the delivery of Form ADV Part 2 to clients and fund investors.[2]
	Form PF for Large Hedge Fund Advisers. Large hedge fund advisers must file Form PF within 60 days of each quarter end on the IARD system.
May 31	**U.S. FATCA Reporting Deadline.** First reporting date deadline to the Cayman Island TIA in respect of Reportable Accounts for reporting year 2016. It is necessary for Cayman Reporting FIs to provide a NIL report where they have no Reportable Accounts.

DATE	ACTIVITY
June 15	**Quarterly Employee Compliance Training.** Conduct a quarterly employee training session to review requirements under the adviser's written compliance policies and procedures, including the code of ethics, as well as any material changes to these materials. Maintain list of attendance.[3]
June 30	**Form 13H.** Review transactions and assess whether Form 13H needs to be amended.
	Form PF. Review assets/holdings to determine filing requirements.
	PQR (For Registered Commodity Pool Operators). Small and mid-sized CPOs quarterly reports to be filed using NFA Easy File System.
	CRS Notifications. The Cayman Islands TIA announced a soft opening for the first year of the CRS. CRS registrations will be accepted up to June 30, 2017 (original deadline was April 30, 2017).
Anniversary Date of Filing	**Annual Form D.** Amendment due on or before anniversary date of prior Form D filing(s).
	CPO/CTA Questionnaires. Due on or before anniversary date, and promptly when material information changes.
As Necessary	**Schedule 13D.** Must be filed within 10 days after acquisition of beneficial ownership of 5% of a voting class of a company's equity securities registered under Section 12 of the Securities Exchange Act of 1934. See: https://www.sec.gov/answers/sched13.htm
	Forms 3, 4 & 5 (Sec 16 Filings). Corporate insiders—meaning a company's officers and directors, and any beneficial owners of more than 10% of a class of the company's equity securities registered under Section 12 of the Securities Exchange Act of 1934—must file with the SEC a statement of ownership regarding those securities. See: https://www.sec.gov/answers/form345.htm
	Bureau of Economic Analysis Filings ("BEA") (BE-11, BE-13, BE-577, etc.). Should the BEA contact you via letter or otherwise, you are required to respond to this inquiry by law. Please contact us should the BEA contact you to discuss. A Form BE-577 is required from every U.S. person who had direct transactions or positions with a foreign business enterprise in which it had a direct and/or indirect ownership interest of at least 10% of the voting stock if an incorporated business enterprise or an equivalent interest if an unincorporated business enterprise at any time during the reporting period.

[1] An adviser is required to deliver Form ADV Part 2 to clients; it is not required to deliver Form ADV Part 2 to investors in a pooled investment vehicle. However, it is considered a best practice and it is recommended that an adviser delivers Form ADV Part 2 to each investor in a pooled investment vehicle.

[2] Although Regulation S-P does not specify the exact day by which the annual privacy notice must be sent, May 30 seems to be an appropriate date because the mailing can be coordinated with delivery of Form ADV Part 2 (which can include the Privacy Policy) to clients or fund investors.

[3] The Investment Advisers Act of 1940 does not specify that any training session is necessary, and therefore the date on which training should occur is not specified. However, a registered adviser must distribute and receive signed acknowledgements of changes to its code of ethics. Since the code (as well as an adviser's compliance policies and procedures) may be amended as part of an adviser's annual review, as well as at any other time, quarterly training should help to keep personnel up-to-date regarding policies and procedures and otherwise remind personnel of their compliance obligations.

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SEC & FINRA RELEASE 2017 EXAM PRIORITIES

BY DANIEL G. VIOLA

The Securities and Exchange Commission ("SEC") released their Exam Priorities for 2017. The SEC's 2017 priorities are organized around the following areas: (1) examining matters of importance to retail investors; (2) focusing on risks specific to elderly and retiring investors; and (3) assessing market-wide risks. FINRA also issued its 2017 Regulatory and Examinations Priorities Letter, which identifies compliance, supervision and risk management as areas of focus. FINRA will be introducing a compliance calendar and a directory of service providers as tools to assist firms. FINRA will also be initiating electronic, off-site reviews to supplement traditional on-site cycle examinations. These off-site exams will affect only a select group of firms that are not currently scheduled for a cycle exam in 2017.

The SEC priorities address issues across a variety of financial institutions, including investment advisers, investment companies, broker-dealers, transfer agents, clearing agencies, private fund advisers, national securities exchanges and municipal advisers. Under each category, a number of key exam areas include:

1. Protecting Retail Investors:

- Electronic Investment Advice
- Wrap Fee Program
- Exchange-Traded Funds
- Never-Before Examined Investment Advisers
- Recidivist Firms and Their Employees
- Multi-Branch Advisers
- Share Class Selection

2. Focusing on Senior Investors and Retirement Investments:

- ReTIRE – Retirement-Targeted Industry Reviews and Examinations
- Public Pension Advisers
- Senior Investors

3. Assessing Market-Wide Risks:

- Money Market Funds
- Payment for Order Flow
- Clearing Agencies
- FINRA
- Regulation Systems Compliance and Integrity
- Cybersecurity
- National Securities Exchanges
- Anti-Money Laundering

4. Other Initiatives:

- Municipal Advisers
- Transfer Agents
- Private Fund Advisers

The FINRA Examination Priorities Letter includes a long list of topics that FINRA will prioritize this year, including product suitability, excessive and short-term trading of long-term products, outside business activities, social media and electronic communications, liquidity risk, credit risk policies, cybersecurity, segregation of client assets, Regulation SHO, and anti-money laundering and suspicious activity monitoring.

FINRA's Top Five Exam Priorities Include:

- High-Risk and Recidivist Brokers
- Bad Sales Practices
- Practices that Lead to Financial Risk
- Conduct that Enhances Operational Risks
- Market Manipulation

To read the SEC & FINRA's 2017 Exam Priorities, please go to the links below:

https://www.sec.gov/about/offices/ocie/national-examination-program-priorities-2017.pdf

http://www.finra.org/sites/default/files/2017-regulatory-and-examination-priorities-letter.pdf

***Daniel G. Viola** is a Partner and the Head of the Regulatory and Compliance Group. He structures and organizes broker-dealers, investment advisers, funds and regularly counsels investment professionals in connection with regulatory and corporate matters. Mr. Viola served as a Senior Compliance Examiner for the Northeast Regional Office of the SEC, where he worked from 1992 through 1996. During his tenure at the SEC, Mr. Viola worked on several compliance inspection projects and enforcement actions involving examinations of registered investment advisers, ensuring compliance with federal and state securities laws. Mr. Viola's examination experience includes financial statement, performance advertising, and disclosure document reviews, as well as, analysis of investment adviser and hedge fund issues arising under ERISA and blue sky laws. Dan can be reached at 212.573.8038, or dviola@sglawyers.com.*

Gregory Hartmann Joins Sadis & Goldberg's Corporate and Financial Services Practices

Sadis & Goldberg LLP is proud to announce the addition of Gregory Hartmann as member of the firm's Corporate and Financial Services Groups. Mr. Hartmann has extensive experience representing assets managers, investment banks, insurance companies, and other clients, on a wide variety of transactional and regulatory matters.

"Based upon his extensive industry experience, Greg has a comprehensive understanding of the challenges that businesses face and a talent for helping them understand their legal risks and manage them, particularly in the financial services industry" said Ron Geffner, a member of the firm's Executive Committee. "His in-house experience gives him a unique capability to anticipate what our clients need and advise them most effectively."

Prior to joining the firm, Mr. Hartmann was Corporate Counsel and Vice President in the Retirement Law Group of the Prudential Insurance Company of America, where he supported the pension risk transfer business, including U.S. pension buy-outs and international longevity reinsurance. Before that, Mr. Hartmann was Deputy General Counsel at PineBridge Investments and Associate General Counsel at AIG Investments, where he was the head of the legal department's Asset Management Group in New York. At AIG, Mr. Hartmann advised on registered and private funds, managed accounts, regulatory and compliance issues, and sales and marketing matters.

Before joining AIG, Mr. Hartmann was the general counsel of a private equity and hedge fund manager, where he built the legal and compliance department. Prior thereto, he was general counsel of an investment bank, and also a venture capital firm. Earlier in his career, Mr. Hartmann was in private practice at Weil, Gotshal & Manges, and also at Shea & Gould, in New York.

Mr. Hartmann earned his J.D. from Columbia University's School of Law, his M.A. from Northwestern University, and his B.A., *magna cum laude*, from the University of Notre Dame. Mr. Hartmann is a member of the American College of Investment Counsel, and is admitted to practice in New York.

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Upcoming Events

Weston Hill Global Private Wealth Forum April 25, 2017 *Roosevelt Hotel* *45 E 45th Street, New York City*	Ron S. Geffner, Partner and head of the Financial Services Group, will be speaking at Weston Hill Global Private Wealth Forum on April 25, 2017 on hedge funds. The event will be held at the Roosevelt Hotel, 45 E 45th Street in New York City. For more information, please go to: http://www.globalprivatewealth.org/index.php.
13D Monitor Active-Passive Investor Summit April 27, 2017 *The Plaza Hotel, New York City*	Sam Lieberman, Partner and member of the Securities Litigation Group, will be moderating a panel at the 13D Monitor Conference in New York City on April 27, 2017. The event will take place at the Plaza Hotel, New York City. For more information, please go to: http://www.13dmonitorconference.com/
NCS Regulatory Compliance Conference June 21 – 23, 2017 *Eau Palm Beach Resort & Spa* *Manalapan, FL*	Dan Viola, Partner and head of the Regulatory and Compliance Group, will be speaking at the NCS Regulatory Compliance Conference on June 21, 2017 in Manalapan, FL. He will be speaking on four panels. The panels are entitled "Risk Management and CCO Liability", "Preparing for a Regulatory Exam", "Creating a Culture of Compliance: Internally and with Regulators", and "Private Equity and Alternative Investments: Advancing Your Strategy". For more information, please go to: https://www.eiseverywhere.com/ehome/index.php?eventid=194010&
Sadis & Goldberg's 10th Annual Alternative Investment Management Seminar November 8, 2017 *The New York Athletic Club* *180 Central Park South, New York City*	Sadis & Goldberg LLP will be hosting the 10th Annual Alternative Investment Management Seminar on Wednesday, November 8, 2017. This seminar will include discussions on the latest trends and issues relevant for private investment funds to be successful in today's business environment.

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SERIOUS MOONLIGHT
Behind the scenes at the 2017 Academy Awards with filmdom's first lady of Oscar cheerleading (my close friends know I was captain of the twirlers in high school)

By Peggy Siegal

Was this year different from all other years at the Oscars?

In one way, it wasn't. A24's "Moonlight" won best picture because voters went for content over style. The win was for it's poetic take on the American ideals that the Academy values most and wants reflected globally. History was also made as "Moonlight" became the first Oscar winner with an all black cast and addressed the LGBTQ community. And, it was a beautiful film.

But on the other hand, Oscar voters were also dealing with a political and emotional crisis in the film industry. After two years of #OscarsSoWhite, they responded by nominating a record six African American actors, four African American producers and one African American director, Barry Jenkins, the fourth ever nominated in that category. Three films addressing race were nominated for best picture: "Fences," "Hidden Figures" and "Moonlight."

Lionsgate's "La La Land" was a joyous escape from months of simmering frustration and anger at Donald J. Trump, himself a creature of the entertainment industry. The charming and modern musical "La La" danced its way to multiple awards from critics, at the PGA, the DGA, the BAFTA and the Venice Film Festival, a record seven Golden Globes, en route to an historic fourteen Academy Award nominations. Prognosticators predicted a "La La" landslide.

So what happened? Days before the voting deadline, "La La Land" was tripped-up by a last-minute backlash against frivolity. Even in La La Land, these are serious times.

Backstage at the Dolby Theater, star-struck nitwit accountant Brian Cullinan, oblivious to the fact that the Oscars are a sacred secular ceremony and distracted while tweeting a photo of Emma Stone, handed Warren Beatty the wrong envelope. Chaos—and headlines—ensued. Tweets, chaos and headlines? It was all too Trump for words.

When I arrived at the Dolby Theater that night, I asked a dateless Andrew Garfield to take me onto the red carpet with him, to the chagrin of his publicist. But a security guard rejected me because my ticket was the wrong color. Andrew winked, laughed and disappeared. Undaunted, I went back to the curb to find another walker. As I stood at the limo drop-off, inconspicuous in a day-glow orange satin dress, Kelly Bush, a publicist I knew from last year's "The Revenant" campaign, sidled over and said, "There is going to be an upset. 'Moonlight' is winning."

On cue, "La La Land" producer Marc Platt arrived with the studs on his formal shirt popping off. As I nervously fiddled in his buttonholes, I blurted, "Kelly Bush just said 'Moonlight' is winning." Marc turned white.

The red carpet was a three lane highway. The speed lane was for the super stars, the middle for frantic handlers, and on the right was the schlepper lane for relatives and relative nobodies. Four security guards escorted me there. By the time Marc and I met again at the end of the three prong red carpet, "La La Land" publicist and West Coast campaign queen Lisa Taback was furious I'd told the shaken producer his film might lose. I said, "Kelly Bush said that, not me." But I felt terrible.

Sure enough, the “La La” landslide never happened. It did win a spectacular six Oscars before Warren Beatty and Faye Dunaway walked to center stage for the best picture finale.
I was now standing against the wall at the first row of the first balcony. Lionsgate publicists Julie Fontaine and Jennifer Peterson, both dressed in haute couture gowns and borrowed emeralds, anxiously insisted I join their good luck group hug as best picture was announced. Despite my faux pas, and my work on most of the year’s top films, including “Moonlight,” “Manchester by the Sea” and “Hidden Figures,” Oscar night I was in the “La La” camp due to my long friendship with it’s director Damien Chazelle.

So we three bejeweled broads were hugging tightly, when Faye broke Warren’s pregnant pause and screamed "La La Land". The girls cried, the “La La” producers ran to the stage and I was thinking about how to apologize to Marc Platt as he thanked his family. Then, the stage filled up with men in headsets. Producer Jordan Horowitz, the class act of the evening, grabbed the right card and calmly announced "Moonlight. No Joke." Platt, Horowitz and their co-producer Fred Berger handed their Oscars to Moonlight director Barry Jenkins, and producers Jeremy Kleiner and Adele Romanski and left the stage as Mahershala Ali, the first Muslim actor to get the gold guy, joined the cast waving *his* historic Oscar.

Julie and Jennifer ran to Soho House to oversee Lionsgate's victory party, where hundreds of confused well-wishers waited to celebrate the “La La” wins, including Emma Stone’s best actress, Justin Hurwitz’s best score, and Benj Pasek, Justin Paul and Justin Hurwitz’s best song for “City of Stars.” At 32, Damien Chazelle also made history as the youngest best director ever. Some, lacking any empathy for the winners and losers onstage, called this historic screw-up "great live-television.” But standing in the balcony, alone and speechless, all I could think was, *“How did I miss this?”*

I ran to the Governor's Ball, which is the next stop for winners on their busy night. They get their statues engraved there before they drop by their studio’s party, get photographed, Oscar in hand at Vanity Fair’s fete, wall-to-wall with celebrities, and then head to Guy Oseary's home high in Beverly Hills to rock-and-roll ‘till dawn.

At the entrance to the Governor's Ball, Warren Beatty walked up to me, still holding the two priceless envelopes as proof of his innocence. I asked him, "What happened?"

His phone rang. It was so noisy, he bent toward me to hear better. The phone was almost in my face and I heard Annette Benning asking where he was and saying, "Warren, come home." Warren said, "No. I have done nothing wrong."

Warren's wonderful film, "Rules Don't Apply" received little Academy love, yet he was generous enough to show up. Now, fifty years after “Bonnie and Clyde,” he was in the Oscar spotlight again, the latest unwitting star of Oscar’s all-time blooper reel. As Jimmy Kimmel said, “We don’t have to watch reality shows anymore because we are living in one.”

Here’s reality-show Oscar week as I lived it:

Tuesday, February 21st

I checked into Jeff Klein's Sunset Tower Hotel still exhausted from last weekend's oh-so-grand birthday extravaganza thrown by fun loving billionaire Stephen Schwarzman’s wife Christine for

his 70th Birthday in Palm Beach—and headed straight to Charles Finch's photo exhibition, "The Art of Behind the Scenes," to see rare candid on-set photos of Audrey Hepburn, Brigitte Bardot, Grace Kelly and Ava Gardner.

Oscar balloting had closed an hour earlier, and IndieWire's Oscar blogger Anne Thompson announced that a female friend had voted for all the diverse and minority nominees. This first hint of things to come didn't register as a bell ringer for best picture. Spotted: Jean Pigozzi, Brett Ratner and Paul Haggis.

Back at The Sunset Tower Bar, diminutive maitre d' Dmitri Dimitrov slid up to me, cupped his hands in prayer and whispered, "Lady Gaga and Bradley Cooper are in the corner booth with Warner Bros. Sue Kroll." They were talking about their remake of "A Star is Born" going into production within the month.

At the next table was Ryan Murphy, creator of the multi-award winning FX mini-series "The People vs. O.J. Simpson: American Crime Story," eating with his muse Sarah Paulson, who won countless awards for portraying Marcia Clark. I joked that the Oscar nominated documentary "O.J.: Made in America" from ESPN would win because voters thought both films are the same.

Wednesday, February 22nd

I met Adam Lindemann and museum director Michael Govan at LACMA's The Inner Eye: Vision and Transcendence in African Art. Michael and I discussed the struggle to diversify the Academy. He told me that at LACMA he'd hired women, African American and Latino curators years before.

Vanity Fair Editor-in-Chief Graydon Carter and Barneys hosted a private dinner for "La La Land" at the Chateau Marmont. Graydon always tries to entertain the winning film. Drinks around the pool were followed by a seated dinner for fifty in a bungalow. Emma Stone brought her mother. Handsome hotelier Andre Balazs darts around. Ryan Gosling stayed home with his girlfriend Eva Mendes and their two baby girls. Emma talked about her next film "Battle of the Sexes." She plays Billie Jean King opposite Steve Carell, an excellent tennis player in real life, as Bobby Riggs.

Damien Chazelle came late from a dinner for the nominated directors. The Academy hosts a series of secret dinners during Oscar week for key nominees to keep them away from sponsors who profit from their celebrity. They also want to protect their own sponsor, ABC-TV, with exclusivity and audience surprise.

Thursday, February 23rd

Larry Gagosian's annual Oscar-week art opening is always a hot ticket. Serious collectors blended in unnoticed among the mere lookers and pretty gallerists quietly pointing out one glorious Joe Bradley painting after another. Each costs a cool million and between 6:00pm and 8:00pm they are all sold. Buyers and Larry's close friends then migrate down the block to Mr. Chow. Elton John and David Furnish, Jonah Hill, Dakota Johnson, Sharon Stone, NBCUniversal's Ron Meyer, Gus Van Sant, Emily Ratajkowski, Dasha Zhukova, artists Alex Israel, Harmony Korine and Dan Colen, rocker Robbie Robertson and Page Six's Ian Mohr dig

into orange chicken on sticks. Larry's girls come around and slip his home address onto laps. This means you have made the cut to attend Larry's after party at his house.

Ian and I head to Paul Haggis' intimate Artist for Peace and Justice benefit dinner for 65 at the LA club No Name where a great time set guests back $2,500 for Haiti. We arrive just in time to hear Jeff Bridges sing a song from "Crazy Heart", Jack Black recall "School of Rock " and Rita Wilson sing ABBA's "Dancing Queen". Jackson Browne is the master of ceremonies.

I end up at A24's party at the Sunset Tower for their films "20th Century Woman" and "Moonlight". Barry Jenkins wants to know if he is winning the Oscar. I chirp, "Yes, best adapted screenplay is all yours!" Not the answer he was looking for. I should have said, "Yes, you will win best picture, make history and bring the house down." I would have looked like a genius.

Finally, I speak to Janelle Monae, who is absolutely stunning. She also wants to know if "Hidden Figures" is winning the Oscar. I assure her that her real win was at the box office.

Before passing out in my Sunset Tower suite, I email Damien Chazelle a social wrap-up on the evening, as he is now sick as a dog, in bed with his dog and has had visiting nurses injecting fluids into his flu-infested body all day.

He, too, asks if he is winning the Oscar. I write, "It's not if, but how many".

Friday, February 24

I'm a gal hell bent on making a fashion statement with every outing, who runs her business from the back seat of a chauffeured black Cadillac with the license plate PEG-FILM. So marching or attending a protest rally is not the likely place to find me. But when I read the United Talent Agency's United Voice Rally was happening at their Beverly Hills headquarters--2,000 of the creative community's best looking turning out on a gorgeous afternoon to stand together for freedom of speech, and against exclusion and division, it was an invitation I couldn't refuse. This is a substitute for UTA's traditional pre-Oscar party--and the ten percenters donated and raised $320,000 for the American Civil Liberties Union and the International Rescue Committee. CEO Jeremy Zimmer and clients Jodie Foster and Michael J. Fox speak passionately.

The surprise highlight is taped remarks from Iranian filmmaker Asghar Farhadi, nominated for "The Salesman". Farhadi made international headlines announcing he would not travel to Hollywood in protest of President Trump's proposed travel ban on seven Muslim countries. Some Oscar voters do not see all five nominated foreign films, so Trump assured Asghar his Oscar.

I stop by the Women in Film cocktail party at Nightingale Plaza where Meryl Streep announces, "I feel like never saying anything again." We hear last year's best actress Brie Larson and activist/documentary nominee Ava DuVernay speak. Back at the Sunset Tower, Livia and Colin Firth host their annual dinner for 50 to celebrate The Green Carpet Challenge and The Journey to Sustainable Luxury. Spotted: Emma Stone, Meryl Streep, Ruth Negga, Kevin Bacon, Tom Ford, Salma Hayek, and Mick Jagger. Kyra Sedgwick arrives late from directing her first film, "Story of a Girl," starring her husband Kevin Bacon. Kyra sits with Meryl over coffee and says how exciting it is to direct. When I ask Meryl if she will join the minute ranks of female directors, the acting icon says, "Never. My job is done at the end of the day. I like to go home at night and let someone else worry about tomorrow's location."

Friday ends at the CAA party, a tough ticket now handed out by Maha Dahkil and Michael Kives. The white tent is filled with a sea of celebrity. Every CAA client comes out to eat, mingle, kibbitz and dance. Spotted: Meryl Streep (yes, she had a busy day too), Leonardo DiCaprio, Scarlett Johansson, Gwyneth Paltrow, Orlando Bloom, Jerry Bruckheimer, J.J. Abrams, Ron Howard, Naomi Watts, Mick Jagger, Lady Gaga, Barry Jenkins, John Mayer, Arnold Schwarzenegger, Kate Hudson, Jon Hamm and Jeff Bezos.

At 2 a.m. I email Damien Chazelle another party report as he is still sick in bed. Now, a team of medical talent is working on getting him well for Oscar night.

Saturday, February 25

I march down to the Academy's theater to hear my producer friend (since "Diner"), Mark Johnson, also an Academy governor, conduct a symposium for four of five nominated foreign film directors. As brilliant as the conversation was, four guys from Australia, Denmark, Germany and Sweden depressingly knew that the absent Iranian Asghar Farhadi was winning.

I took Mark, instead of the still-quarantined Damien Chazelle, up Coldwater Canyon to Barry Diller and Diane von Furstenberg's annual picnic lunch for Graydon Carter and Anna Scott. This gathering of the powerful and mighty occurs at exactly the same time as the Independent Spirit Awards for young and new talent. The two hot owners of A24, David Fenkel and Daniel Katz, are so sure their "Moonlight" was winning all six awards they are here instead of the Spirit Award's tent on the beach in Santa Monica. When asked, "What are you doing here?" they simultaneously say, "Our people are there." The reason they were on the lawn for the first time is that they have a new television and film production deal with Diller.

It's all very familiar, cozy and the best party of the week. Collectively there are more Oscar and Emmy winners on this lawn than will file into the Dolby Theater on Sunday.

I sit with petite Gloria Cooper, mother of Bradley. She is the only one wearing a hat, a large white felt fedora hiding enormous black sunglasses and her pretty face. I entertain Gloria with local gossip, which she loves, but when I ask her for details on the start of production for "A Star is Born," I get nothing.

I ask guests, "Who is winning best actor"? They reply, "Denzel, but I voted for Casey". Casey, who touched my heart on and off screen, ran in a tight race with humility, despite a nasty whisper campaign against him. I never asked about best picture. I'm still in thrall to the conventional wisdom: It's a "La La" landslide.

Rupert Murdoch brings his bride Jerry Hall who kisses and chats with Mick Jagger as the lawn people try to eavesdrop. Spotted: DvF's kids Alexander and Tatiana, Sir Howard Stringer, Oliver Stone, Ted Sarandos, Brett Ratner, Ron Meyer, Tom Ford, Larry Gagosian and Chrissie Erpf, Jeffrey Katzenberg, George Stevens, Jr., Toby Maguire, Sandy Gallin, Robert Kraft, Harvey Weinstein and breathtakingly beautiful Georgina Chapman, Lynn Wyatt, Fran Lebowitz, Henry Kravis, Jeff and Scott Berg and Irwin Winkler.

Another favorite event is Charles Finch's star-studded dinner at Madeo sponsored by Chanel. I sit next to Amazon's Roy Price and Oliver Stone, who sits next to Michael Keaton. I bring over

Pharrell Williams to meet Oliver Stone, director of “Snowden” and “JFK.” The conversation segwayed from Hillary Clinton to Oliver’s new documentary on Putin.

Lily Collins comes over and asks to be introduced to Mick Jagger at the table next to us. She says, "Tell Mick my father says ‘hello.’" Lily is the daughter of Phil Collins and starred in Warren Beatty's "Rules Don't Apply". Mick, never one to pass up a flirt with an Audrey Hepburn look-alike, whispers in her ear that he loved her in the film and was on the set, but sadly missed her.

Spotted: Nicole Kidman, Naomi Watts, Christian Louboutin, Kristen Stewart, Ruth Negga and “Arrival” director Denis Villeneuve.

Wendy Stark, daughter of "Funny Girl" producer Ray Stark and granddaughter of Fanny Brice, invited me to Jeffrey Katzenberg's Night Before Party on the Fox lot for the Motion Picture Home. There is a building named after her father. Walking around with Linda and Jerry Bruckheimer, I kiss David O. Russell and Colleen Camp. Brian D'Arcy James tells me he may return to his original role in "Hamilton" as King George. I go home with the heaviest swag bag in the world.

Sunday, Feb. 26th

The shocking end of the Oscar show continues to mystify me. How could I be so close to every filmmaker and totally miss the upset?

Because Damien is still sick, he begs off on his invitation to take me to Guy Oseary's—and heads back to bed. As I stand at the end of the Vanity Fair carpet at the entrance to the Wallis Annenberg Center, Casey Affleck arrives holding his Oscar. I ask him to replace Damien as my escort and he says, "Of course. I am leaving in 15 minutes. Don't lose me.” Casey then sends me off to find Jimmy Kimmel, who has already left the party. Fifteen minutes turns into an hour as everyone wants a selfie with the winner.

Spotted from “Moonlight”: Barry Jenkins, Mahershala Ali, Naomie Harris, Jeremy Kleiner. From “La La Land” Emma Stone and John Legend. From “Manchester by the Sea”, Casey Affleck, Michelle Williams, Lucas Hedges and Kenny Lonergan. From “Hidden Figures”: Taraji P. Henson, Octavia Spencer and Pharrell Williams, and “Fences” Oscar winner Viola Davis. Also swirling around the room: Brie Larson, Dakota Fanning, Elton John, Amy Adams, Jennifer Aniston, Javier Bardem, Michael Shannon, Alicia Vikander, Scarlett Johansson, Lin-Manuel Miranda, Halle Berry, Isabelle Huppert, Michelle Dockery, Faye Dunaway, Andrew Garfield, Dakota Johnson, Mick Jagger and family, Kelly Ripa, and Patty and Lydia Hearst. I find exhausted Oscar show producers Jennifer Todd and Mike De Luca and tell them what a wonderful job they did.

On the way out, a familiar looking lady keeps waving and smiling at Casey as we wait in the cold for cars. I say, "Casey, that is Monica Lewinsky waving at you." Casey is unfazed; he can’t wait to get out of the spotlight. Once we reach the Checkpoint Charlie to Guy's party, a team of girls wrapped in wool instructs the driver to lower the window and asks for a name. Casey, holding up the Oscar says, "Affleck.” She says, "You only have a plus one." The real deal is, if you win, you can bring a car full of friends—and eventually we’re cleared for takeoff. Once inside we lose each other in the darkness and pulsating Caribbean music. I get home at 5:00am, pack my three huge suitcases and rush off to the private airport in Van Nuys, still

wondering how I could have missed “Moonlight”’s triumph. Why couldn’t I see the forest through the trees? I must have been in La La-land.

xoxo,
Peggy

P.S. The following weekend I arrive in the Dominican Republic at Casa de Campo at the home of sugar baron Pepe Fanjul and his wife Emilia. Juan Carlos, the past king of Spain, wants to watch a few movies with me. I pulled a dozen DVDs out of my bag and say, "Your Majesty, which one"? He says, "First, "La La Land" for fun, then "Moonlight" because it won, then "The Founder" for American ingenuity.”

Date: Monday, January 8 2018 07:47 PM
Subject: Fwd: radical breakthrough
From: jeffrey E. <jeevacation@gmail.com>
To: jeffrey epstein <jeevacation@gmail.com>;

kashoggi, bunker hunt. george mitchell . wayne owens. prince andrew. princess mette . princes sophie, princess alexandra princess melusine. . bill richardson. bill clinton. hamad bun jasem. donalad trup. gov mapp. governoe young. governoe king. . woody allen . morgain fairchild. mike ovitz. . marvin davis, herb segal. jimmy cyane, jes staleyk , rothchild. agnelli. . karim. prince mbs, mbr, sultan. anas. . jabor, general clarke. , watson minsky church , hillis. . ramascharn, golenbrg, hauser, kosslym, dan gilbert. larry summers. henry rosvsky, steven j gould, . murray gemman, gerffrey west. . haley berry, joan severane. , tom pritzker, leon balck, m.. woody allen, jacuwe lang. , miro.

---------- Forwarded message ---------
From: **jeffrey E.** <jeevacation@gmail.com>
Date: Mon, Jan 8, 2018 at 2:19 PM
Subject: Fwd: radical breakthrough
To: jeffrey epstein <jeevacation@gmail.com>

1 beards and long hair , are meant to catch and hold smells. ?
2. visiual system cohernant image. . fft . equivament. . for sound. making a coherentt sound. . ? does it make a coeherent concept.?
3. a mental object ie mobject. . action on mental objects. . ?
4. hope opposite of despair. . bias internal system . accesing reserves. .
5. writing is unnatural. assymentrc speed. . not good for eveeryone. linear. slow. rule based. .
6. nose test. telepathy. .
. 7 skin as part of brain? . memebrane. ?
8. ideas or brain connections as knots. slices. tangles links loops. is space knottted. and the speed of light simply mean one time around . obviously a constant.
9 . . intelltignce on surface , needs larger surface area. hence replication. .
10. does the eye tranmsit information.
11/ fear is pain in the future. .
12. music is horizontal and vertical inforamtion ? melody prosgy harmony , all amials. can it be looked at to reengineer the brain. harmony FFT. symphonic learning.

13 individulal vs the group ? ?
14. all senses act in a narrow band. survival. fitness. .
15. drive motivation. goal?
16. deception and its role in biollogy.
17 power. financail. physical mental. .
18. power lawws and probabality. gravity.?
19. plants. communication. surface area. similairy tohumnas. . do we get plant diseases. ?
20. biolgy , np complete?
21 sense calculation matrix. , sound receiver and transionni . gesture. . . tounch . temp.pressure. location. . sight. frequnecey. (temp_. location. movement. , smell. transmit. recieve. . volatile. amplitude. . disgust? is location a sense. near food? direction. to food. ?
22 . derivation of the power llaws.
23 power of words .
24. questions = AI to the minus 1

25. belief , survival. meachinsim for some. . placebo.
. 26. taste? food? kissing?
27 . mortaltiy tables. why. points on the distribution. wittegenstein. . .
26. money. agreements. debt . pwer. value wealth. cost.
27 dreaming all day long
28 only 6 senses?
29. micro bioome anti biotics. recall smell. ? psyche. memory etc.
30 / eye transmission
31. numbers , not good for many things
32. luck what is it . mortality tables
33 signal processing. . noise. excription

gromov deepak. church. martin. hopkins.danny, joscha watson, chomsky. . . thiel.hoffman, sinofsky . . terje. ehud. bannon. barrak. ruemmler. reid. karp. . woody, blaine. cavett. sultan jabor raafat. anas . joi, reid. wolf. lang. . \ deepakbarnaby ben masha. , melz eva mosc. bernie. rony , merill. attia, chen, farkas leon .

membrane computing. FFT. energy to deconstruct. . harmony. . . knots. . the explainer. (survival) . matrix algebra, - senses. face /image recogniton. / focus, accupnutre presure massage. pain. placebo illusions, visula aurel. . honest signals.

evolution. resource. rate of loss. . payoff matrix. . cooperation. stochastic games.

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Sent: 1/8/2018 9:25:13 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Fwd: Fire and Fury - Michael Wolff.pdf
Attachments: Fire and Fury - Michael Wolff.pdf

Importance: High

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From: [redacted]
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Subject: Fwd: Fire and Fury - Michael Wolff.pdf
To: [redacted]

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---------- Forwarded message ----------
From: **David Willis** [redacted]
Date: Mon, Jan 8, 2018 at 8:31 AM
Subject: Fire and Fury - Michael Wolff.pdf
To: [redacted]

Sent from my iPhone

FIRE AND FURY

INSIDE THE TRUMP WHITE HOUSE

MICHAEL WOLFF

ALSO BY MICHAEL WOLFF

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The Unexpected Triumph of Old Media in the Digital Age

The Man Who Owns the News:
Inside the Secret World of Rupert Murdoch

Autumn of the Moguls:
My Misadventures with the Titans, Poseurs, and Money Guys Who Mastered and Messed Up Big Media

Burn Rate:
How I Survived the Gold Rush Years on the Internet

Where We Stand

White Kids

FIRE AND FURY

INSIDE THE TRUMP WHITE HOUSE

MICHAEL WOLFF

Little, Brown

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For Victoria and Louise, mother and daughter

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10. GOLDMAN

11. WIRETAP

12. REPEAL AND REPLACE

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AUTHOR'S NOTE

The reason to write this book could not be more obvious. With the inauguration of Donald Trump on January 20, 2017, the United States entered the eye of the most extraordinary political storm since at least Watergate. As the day approached, I set out to tell this story in as contemporaneous a fashion as possible, and to try to see life in the Trump White House through the eyes of the people closest to it.

This was originally conceived as an account of the Trump administration's first hundred days, that most traditional marker of a presidency. But events barreled on without natural pause for more than two hundred days, the curtain coming down on the first act of Trump's presidency only with the appointment of retired general John Kelly as the chief of staff in late July and the exit of chief strategist Stephen K. Bannon three weeks later.

The events I've described in these pages are based on conversations that took place over a period of eighteen months with the president, with most members of his senior staff —some of whom talked to me dozens of times—and with many people who they in turn spoke to. The first interview occurred well before I could have imagined a Trump White House, much less a book about it, in late May 2016 at Trump's home in Beverly Hills—the then candidate polishing off a pint of Häagen-Dazs vanilla as he happily and idly opined about a range of topics while his aides, Hope Hicks, Corey Lewandowski, and Jared Kushner, went in and out of the room. Conversations with members of the campaign's team continued through the Republican Convention in Cleveland, when it was still hardly possible to conceive of Trump's election. They moved on to Trump Tower with a voluble Steve Bannon—before the election, when he still seemed like an entertaining oddity, and later, after the election, when he seemed like a miracle worker.

Shortly after January 20, I took up something like a semipermanent seat on a couch in the West Wing. Since then I have conducted more than two hundred interviews.

While the Trump administration has made hostility to the press a virtual policy, it has also been more open to the media than any White House in recent memory. In the beginning, I sought a level of formal access to this White House, something of a fly-on-the-wall status. The president himself encouraged this idea. But, given the many fiefdoms in the Trump White House that came into open conflict from the first days of the administration, there seemed no one person able to make this happen. Equally, there was

no one to say "Go away." Hence I became more a constant interloper than an invited guest—something quite close to an actual fly on the wall—having accepted no rules nor having made any promises about what I might or might not write.

Many of the accounts of what has happened in the Trump White House are in conflict with one another; many, in Trumpian fashion, are baldly untrue. Those conflicts, and that looseness with the truth, if not with reality itself, are an elemental thread of the book. Sometimes I have let the players offer their versions, in turn allowing the reader to judge them. In other instances I have, through a consistency in accounts and through sources I have come to trust, settled on a version of events I believe to be true.

Some of my sources spoke to me on so-called deep background, a convention of contemporary political books that allows for a disembodied description of events provided by an unnamed witness to them. I have also relied on off-the-record interviews, allowing a source to provide a direct quote with the understanding that it was not for attribution. Other sources spoke to me with the understanding that the material in the interviews would not become public until the book came out. Finally, some sources spoke forthrightly on the record.

At the same time, it is worth noting some of the journalistic conundrums that I faced when dealing with the Trump administration, many of them the result of the White House's absence of official procedures and the lack of experience of its principals. These challenges have included dealing with off-the-record or deep-background material that was later casually put on the record; sources who provided accounts in confidence and subsequently shared them widely, as though liberated by their first utterances; a frequent inattention to setting any parameters on the use of a conversation; a source's views being so well known and widely shared that it would be risible not to credit them; and the almost samizdat sharing, or gobsmacked retelling, of otherwise private and deep-background conversations. And everywhere in this story is the president's own constant, tireless, and uncontrolled voice, public and private, shared by others on a daily basis, sometimes virtually as he utters it.

For whatever reason, almost everyone I contacted—senior members of the White House staff as well as dedicated observers of it—shared large amounts of time with me and went to great effort to help shed light on the unique nature of life inside the Trump White House. In the end, what I witnessed, and what this book is about, is a group of people who have struggled, each in their own way, to come to terms with the meaning of working for Donald Trump.

I owe them an enormous debt.

PROLOGUE: AILES AND BANNON

The evening began at six-thirty, but Steve Bannon, suddenly among the world's most powerful men and now less and less mindful of time constraints, was late.

Bannon had promised to come to this small dinner arranged by mutual friends in a Greenwich Village town house to see Roger Ailes, the former head of Fox News and the most significant figure in right-wing media and Bannon's sometime mentor. The next day, January 4, 2017—little more than two weeks before the inauguration of his friend Donald Trump as the forty-fifth president—Ailes would be heading to Palm Beach, into a forced, but he hoped temporary, retirement.

Snow was threatening, and for a while the dinner appeared doubtful. The seventy-six-year-old Ailes, with a long history of leg and hip problems, was barely walking, and, coming in to Manhattan with his wife Beth from their upstate home on the Hudson, was wary of slippery streets. But Ailes was eager to see Bannon. Bannon's aide, Alexandra Preate, kept texting steady updates on Bannon's progress extracting himself from Trump Tower.

As the small group waited for Bannon, it was Ailes's evening. Quite as dumbfounded by his old friend Donald Trump's victory as most everyone else, Ailes provided the gathering with something of a mini-seminar on the randomness and absurdities of politics. Before launching Fox News in 1996, Ailes had been, for thirty years, among the leading political operatives in the Republican Party. As surprised as he was by this election, he could yet make a case for a straight line from Nixon to Trump. He just wasn't sure, he said, that Trump himself, at various times a Republican, Independent, and Democrat, could make the case. Still, he thought he knew Trump as well as anyone did and was eager to offer his help. He was also eager to get back into the right-wing media game, and he energetically described some of the possibilities for coming up with the billion or so dollars he thought he would need for a new cable network.

Both men, Ailes and Bannon, fancied themselves particular students of history, both autodidacts partial to universal field theories. They saw this in a charismatic sense—they had a personal relationship with history, as well as with Donald Trump.

Now, however reluctantly, Ailes understood that, at least for the moment, he was passing the right-wing torch to Bannon. It was a torch that burned bright with ironies. Ailes's Fox News, with its $1.5 billion in annual profits, had dominated Republican politics for two decades. Now Bannon's Breitbart News, with its mere $1.5 million in annual profits, was claiming that role. For thirty years, Ailes—until recently the single most powerful person in conservative politics—had humored and tolerated Donald Trump, but in the end Bannon and Breitbart had elected him.

Six months before, when a Trump victory still seemed out of the realm of the possible, Ailes, accused of sexual harassment, was cashiered from Fox News in a move engineered by the liberal sons of conservative eighty-five-year-old Rupert Murdoch, the controlling shareholder of Fox News and the most powerful media owner of the age. Ailes's downfall was cause for much liberal celebration: the greatest conservative bugbear in modern politics had been felled by the new social norm. Then Trump, hardly three months later, accused of vastly more louche and abusive behavior, was elected president.

* * *

Ailes enjoyed many things about Trump: his salesmanship, his showmanship, his gossip. He admired Trump's sixth sense for the public marketplace—or at least the relentlessness and indefatigability of his ceaseless attempts to win it over. He liked Trump's game. He liked Trump's impact and his shamelessness. "He just keeps going," Ailes had marveled to a friend after the first debate with Hillary Clinton. "You hit Donald along the head, and he keeps going. He doesn't even know he's been hit."

But Ailes was convinced that Trump had no political beliefs or backbone. The fact that Trump had become the ultimate avatar of Fox's angry common man was another sign that we were living in an upside-down world. The joke was on somebody—and Ailes thought it might be on him.

Still, Ailes had been observing politicians for decades, and in his long career he had witnessed just about every type and style and oddity and confection and cravenness and mania. Operatives like himself—and now, like Bannon—worked with all kinds. It was the ultimate symbiotic and codependent relationship. Politicians were front men in a complex organizational effort. Operatives knew the game, and so did most candidates and officeholders. But Ailes was pretty sure Trump did not. Trump was undisciplined—he had no capacity for any game plan. He could not be a part of any organization, nor was he likely to subscribe to any program or principle. In Ailes's view, he was "a rebel without a cause." He was simply "Donald"—as though nothing more need be said.

In early August, less than a month after Ailes had been ousted from Fox News, Trump asked his old friend to take over the management of his calamitous campaign. Ailes, knowing Trump's disinclination to take advice, or even listen to it, turned him down. This was the job Bannon took a week later.

After Trump's victory, Ailes seemed to balance regret that he had not seized the chance to run his friend's campaign with incredulity that Trump's offer had turned out to be the ultimate opportunity. Trump's rise to power, Ailes understood, was the improbable triumph of many things that Ailes and Fox News represented. After all, Ailes was perhaps the person most responsible for unleashing the angry-man currents of Trump's victory: he had invented the right-wing media that delighted in the Trump character.

Ailes, who was a member of the close circle of friends and advisers Trump frequently called, found himself hoping he would get more time with the new president once he and Beth moved to Palm Beach; he knew Trump planned to make regular trips to Mar-a-Lago, down the road from Ailes's new home. Still, though Ailes was well aware that in politics, winning changes everything—the winner is the winner—he couldn't quite get his head around the improbable and bizarre fact that his friend Donald Trump was now president of the United States.

* * *

At nine-thirty, three hours late, a good part of the dinner already eaten, Bannon finally arrived. Wearing a disheveled blazer, his signature pairing of two shirts, and military fatigues, the unshaven, overweight sixty-three-year-old joined the other guests at the table and immediately took control of the conversation. Pushing a proffered glass of wine away —"I don't drink"—he dived into a live commentary, an urgent download of information about the world he was about to take over.

"We're going to flood the zone so we have every cabinet member for the next seven days through their confirmation hearings," he said of the business-and-military 1950s-type cabinet choices. "Tillerson is two days, Session is two days, Mattis is two days… ."

Bannon veered from "Mad Dog" Mattis—the retired four-star general whom Trump had nominated as secretary of defense—to a long riff on torture, the surprising liberalism of generals, and the stupidity of the civilian-military bureaucracy. Then it was on to the looming appointment of Michael Flynn—a favorite Trump general who'd been the opening act at many Trump rallies—as the National Security Advisor.

"He's fine. He's not Jim Mattis and he's not John Kelly … but he's fine. He just needs the right staff around him." Still, Bannon averred: "When you take out all the never-Trump guys who signed all those letters and all the neocons who got us in all these wars … it's not a deep bench."

Bannon said he'd tried to push John Bolton, the famously hawkish diplomat, for the job as National Security Advisor. Bolton was an Ailes favorite, too.

"He's a bomb thrower," said Ailes. "And a strange little fucker. But you need him. Who else is good on Israel? Flynn is a little nutty on Iran. Tillerson"—the secretary of state designate—"just knows oil."

"Bolton's mustache is a problem," snorted Bannon. "Trump doesn't think he looks the part. You know Bolton is an acquired taste."

"Well, rumors were that he got in trouble because he got in a fight in a hotel one night and chased some woman."

"If I told Trump that, he might have the job."

* * *

Bannon was curiously able to embrace Trump while at the same time suggesting he did not take him entirely seriously. He had first met Trump, the on-again off-again presidential candidate, in 2010; at a meeting in Trump Tower, Bannon had proposed to Trump that he spend half a million dollars backing Tea Party-style candidates as a way to further his presidential ambitions. Bannon left the meeting figuring that Trump would never cough up that kind of dough. He just wasn't a serious player. Between that first encounter and mid-August 2016, when he took over the Trump campaign, Bannon, beyond a few interviews he had done with Trump for his Breitbart radio show, was pretty sure he hadn't spent more than ten minutes in one-on-one conversation with Trump.

But now Bannon's Zeitgeist moment had arrived. Everywhere there was a sudden sense of global self-doubt. Brexit in the UK, waves of immigrants arriving on Europe's angry shores, the disenfranchisement of the workingman, the specter of more financial meltdown, Bernie Sanders and his liberal revanchism—everywhere was backlash. Even the most dedicated exponents of globalism were hesitating. Bannon believed that great numbers of people were suddenly receptive to a new message: the world needs borders—or the world should return to a time when it had borders. When America was great. Trump had become the platform for that message.

By that January evening, Bannon had been immersed in Donald Trump's world for almost five months. And though he had accumulated a sizable catalogue of Trump's peculiarities, and cause enough for possible alarm about the unpredictability of his boss and his views, that did not detract from Trump's extraordinary, charismatic appeal to the right-wing, Tea Party, Internet meme base, and now, in victory, from the opportunity he was giving Steve Bannon.

* * *

"Does *he* get it?" asked Ailes suddenly, pausing and looking intently at Bannon.

He meant did Trump get it. This seemed to be a question about the right-wing agenda: Did the playboy billionaire really get the workingman populist cause? But it was possibly a point-blank question about the nature of power itself. Did Trump get where history had put him?

Bannon took a sip of water. "He gets it," said Bannon, after hesitating for perhaps a beat too long. "Or he gets what he gets."

With a sideways look, Ailes continued to stare him down, as though waiting for Bannon to show more of his cards.

"Really," Bannon said. "He's on the program. It's his program." Pivoting from Trump himself, Bannon plunged on with the Trump agenda. "Day one we're moving the U.S. embassy to Jerusalem. Netanyahu's all in. Sheldon"—Sheldon Adelson, the casino billionaire, far-right Israel defender, and Trump supporter—"is all in. We know where we're heading on this."

"Does Donald know?" asked a skeptical Ailes.

Bannon smiled—as though almost with a wink—and continued:

"Let Jordan take the West Bank, let Egypt take Gaza. Let them deal with it. Or sink trying. The Saudis are on the brink, Egyptians are on the brink, all scared to death of Persia … Yemen, Sinai, Libya … this thing is bad… . That's why Russia is so key… . Is Russia that bad? They're bad guys. But the world is full of bad guys."

Bannon offered all this with something like ebullience—a man remaking the world.

"But it's good to know the bad guys are the bad guys," said Ailes, pushing Bannon. "Donald may not know."

The real enemy, said an on-point Bannon, careful not to defend Trump too much or to dis him at all, was China. China was the first front in a new cold war. And it had all been misunderstood in the Obama years—what we thought we understood we didn't understand at all. That was the failure of American intelligence. "I think Comey is a third-rate guy. I think Brennan is a second-rate guy," Bannon said, dismissing the FBI director and the CIA director.

"The White House right now is like Johnson's White House in 1968. Susan Rice"—Obama's National Security Advisor—"is running the campaign against ISIS as a National Security Advisor. They're picking the targets, she's picking the drone strikes. I mean, they're running the war with just as much effectiveness as Johnson in sixty-eight. The Pentagon is totally disengaged from the whole thing. Intel services are disengaged from the whole thing. The media has let Obama off the hook. Take the ideology away from it, this is complete amateur hour. I don't know what Obama does. Nobody on Capitol Hill knows him, no business guys know him—what has he accomplished, what does he do?"

"Where's Donald on this?" asked Ailes, now with the clear implication that Bannon was far out ahead of his benefactor.

"He's totally on board."

"Focused?"

"He buys it."

"I wouldn't give Donald too much to think about," said an amused Ailes.

Bannon snorted. “Too much, too little—doesn’t necessarily change things.”

* * *

“What has he gotten himself into with the Russians?” pressed Ailes.

“Mostly,” said Bannon, “he went to Russia and he thought he was going to meet Putin. But Putin couldn’t give a shit about him. So he’s kept trying.”

“He’s Donald,” said Ailes.

“It’s a magnificent thing,” said Bannon, who had taken to regarding Trump as something like a natural wonder, beyond explanation.

Again, as though setting the issue of Trump aside—merely a large and peculiar presence to both be thankful for and to have to abide—Bannon, in the role he had conceived for himself, the auteur of the Trump presidency, charged forward:

“China’s everything. Nothing else matters. We don’t get China right, we don’t get anything right. This whole thing is very simple. China is where Nazi Germany was in 1929 to 1930. The Chinese, like the Germans, are the most rational people in the world, until they’re not. And they’re gonna flip like Germany in the thirties. You’re going to have a hypernationalist state, and once that happens you can’t put the genie back in the bottle.”

“Donald might not be Nixon in China,” said Ailes, deadpan, suggesting that for Trump to seize the mantle of global transformation might strain credulity.

Bannon smiled. “Bannon in China,” he said, with both remarkable grandiosity and wry self-deprecation.

“How’s the kid?” asked Ailes, referring to Trump’s son-in-law and paramount political adviser, thirty-six-year-old Jared Kushner.

“He’s my partner,” said Bannon, his tone suggesting that if he felt otherwise, he was nevertheless determined to stay on message.

“Really?” said a dubious Ailes.

“He’s on the team.”

“He’s had lot of lunches with Rupert.”

“In fact,” said Bannon, “I could use your help here.” Bannon then spent several minutes trying to recruit Ailes to help kneecap Murdoch. Ailes, since his ouster from Fox, had become only more bitter towards Murdoch. Now Murdoch was frequently jawboning the president-elect and encouraging him toward establishment moderation—all a strange inversion in the ever-stranger currents of American conservatism. Bannon wanted Ailes to suggest to Trump, a man whose many neuroses included a horror of forgetfulness or senility, that Murdoch might be losing it.

“I’ll call him,” said Ailes. “But Trump would jump through hoops for Rupert. Like for

Putin. Sucks up and shits down. I just worry about who's jerking whose chain."

The older right-wing media wizard and the younger (though not by all that much) continued on to the other guests' satisfaction until twelve-thirty, the older trying to see through to the new national enigma that was Trump—although Ailes would say that in fact Trump's behavior was ever predictable—and the younger seemingly determined not to spoil his own moment of destiny.

"Donald Trump has got it. He's Trump, but he's got it. Trump is Trump," affirmed Bannon.

"Yeah, he's Trump," said Ailes, with something like incredulity.

1

ELECTION DAY

On the afternoon of November 8, 2016, Kellyanne Conway—Donald Trump's campaign manager and a central, indeed starring, personality of Trumpworld—settled into her glass office at Trump Tower. Right up until the last weeks of the race, the Trump campaign headquarters had remained a listless place. All that seemed to distinguish it from a corporate back office were a few posters with right-wing slogans.

Conway now was in a remarkably buoyant mood considering she was about to experience a resounding if not cataclysmic defeat. Donald Trump would lose the election—of this she was sure—but he would quite possibly hold the defeat to under 6 points. That was a substantial victory. As for the looming defeat itself, she shrugged it off: it was Reince Priebus's fault, not hers.

She had spent a good part of the day calling friends and allies in the political world and blaming Priebus. Now she briefed some of the television producers and anchors with whom she'd built strong relationships—and with whom, actively interviewing in the last few weeks, she was hoping to land a permanent on-air job after the election. She'd carefully courted many of them since joining the Trump campaign in mid-August and becoming the campaign's reliably combative voice and, with her spasmodic smiles and strange combination of woundedness and imperturbability, peculiarly telegenic face.

Beyond all of the other horrible blunders of the campaign, the real problem, she said, was the devil they couldn't control: the Republican National Committee, which was run by Priebus, his sidekick, thirty-two-year-old Katie Walsh, and their flack, Sean Spicer. Instead of being all in, the RNC, ultimately the tool of the Republican establishment, had been hedging its bets ever since Trump won the nomination in early summer. When Trump needed the push, the push just wasn't there.

That was the first part of Conway's spin. The other part was that despite everything, the campaign had really clawed its way back from the abyss. A severely underresourced team with, practically speaking, the worst candidate in modern political history—Conway offered either an eye-rolling pantomime whenever Trump's name was mentioned, or a

dead stare—had actually done extraordinarily well. Conway, who had never been involved in a national campaign, and who, before Trump, ran a small-time, down-ballot polling firm, understood full well that, post-campaign, she would now be one of the leading conservative voices on cable news.

In fact, one of the Trump campaign pollsters, John McLaughlin, had begun to suggest within the past week or so that some key state numbers, heretofore dismal, might actually be changing to Trump's advantage. But neither Conway nor Trump himself nor his son-in-law Jared Kushner—the effective head of the campaign, or the designated family monitor of it—wavered in their certainty: their unexpected adventure would soon be over.

Only Steve Bannon, in his odd-man view, insisted the numbers would break in their favor. But this being Bannon's view—crazy Steve—it was quite the opposite of being a reassuring one.

Almost everybody in the campaign, still an extremely small outfit, thought of themselves as a clear-eyed team, as realistic about their prospects as perhaps any in politics. The unspoken agreement among them: not only would Donald Trump *not* be president, he should probably not be. Conveniently, the former conviction meant nobody had to deal with the latter issue.

As the campaign came to an end, Trump himself was sanguine. He had survived the release of the Billy Bush tape when, in the uproar that followed, the RNC had had the gall to pressure him to quit the race. FBI director James Comey, having bizarrely hung Hillary out to dry by saying he was reopening the investigation into her emails eleven days before the election, had helped avert a total Clinton landslide.

"I can be the most famous man in the world," Trump told his on-again, off-again aide Sam Nunberg at the outset of the campaign.

"But do you want to be president?" Nunberg asked (a qualitatively different question than the usual existential candidate test: "Why do you want to be president?"). Nunberg did not get an answer.

The point was, there didn't need to be an answer because he wasn't going to be president.

Trump's longtime friend Roger Ailes liked to say that if you wanted a career in television, first run for president. Now Trump, encouraged by Ailes, was floating rumors about a Trump network. It was a great future.

He would come out of this campaign, Trump assured Ailes, with a far more powerful brand and untold opportunities. "This is bigger than I ever dreamed of," he told Ailes in a conversation a week before the election. "I don't think about losing because it isn't losing. We've totally won." What's more, he was already laying down his public response to losing the election: *It was stolen!*

Donald Trump and his tiny band of campaign warriors were ready to lose with fire and fury. They were not ready to win.

* * *

In politics somebody has to lose, but invariably everybody thinks they can win. And you probably can't win unless you believe that you will win—except in the Trump campaign.

The leitmotif for Trump about his own campaign was how crappy it was and how everybody involved in it was a loser. He was equally convinced that the Clinton people were brilliant winners—"They've got the best and we've got the worst," he frequently said. Time spent with Trump on the campaign plane was often an epic dissing experience: everybody around him was an idiot.

Corey Lewandowski, who served as Trump's first more or less official campaign manager, was often berated by the candidate. For months Trump called him "the worst," and in June 2016 he was finally fired. Ever after, Trump proclaimed his campaign doomed without Lewandowski. "We're all losers," he would say. "All our guys are terrible, nobody knows what they're doing… . Wish Corey was back." Trump quickly soured on his second campaign manager, Paul Manafort, as well.

By August, trailing Clinton by 12 to 17 points and facing a daily firestorm of eviscerating press, Trump couldn't conjure even a far-fetched scenario for achieving an electoral victory. At this dire moment, Trump in some essential sense sold his losing campaign. The right-wing billionaire Bob Mercer, a Ted Cruz backer, had shifted his support to Trump with a $5 million infusion. Believing the campaign was cratering, Mercer and his daughter Rebekah took a helicopter from their Long Island estate out to a scheduled fundraiser—with other potential donors bailing by the second—at New York Jets owner and Johnson & Johnson heir Woody Johnson's summer house in the Hamptons.

Trump had no real relationship with either father or daughter. He'd had only a few conversations with Bob Mercer, who mostly talked in monosyllables; Rebekah Mercer's entire history with Trump consisted of a selfie taken with him at Trump Tower. But when the Mercers presented their plan to take over the campaign and install their lieutenants, Steve Bannon and Kellyanne Conway, Trump didn't resist. He only expressed vast incomprehension about why anyone would want to do that. "This thing," he told the Mercers, "is so fucked up."

By every meaningful indicator, something greater than even a sense of doom shadowed what Steve Bannon called "the broke-dick campaign"—a sense of structural impossibility.

The candidate who billed himself as a billionaire—ten times over—refused even to invest his own money in it. Bannon told Jared Kushner—who, when Bannon signed on to the campaign, had been off with his wife on a holiday in Croatia with Trump enemy David Geffen—that, after the first debate in September, they would need an additional $50 million to cover them until election day.

"No way we'll get fifty million unless we can guarantee him victory," said a clear-eyed Kushner.

"Twenty-five million?" prodded Bannon.

"If we can say victory is more than likely."

In the end, the best Trump would do is loan the campaign $10 million, provided he got it back as soon as they could raise other money. (Steve Mnuchin, then the campaign's finance chairman, came to collect the loan with the wire instructions ready to go, so Trump couldn't conveniently forget to send the money.)

There was in fact no real campaign because there was no real organization, or at best only a uniquely dysfunctional one. Roger Stone, the early de facto campaign manager, quit or was fired by Trump—with each man publicly claiming he had slapped down the other. Sam Nunberg, a Trump aide who had worked for Stone, was noisily ousted by Lewandowski, and then Trump exponentially increased the public dirty-clothes-washing by suing Nunberg. Lewandowski and Hope Hicks, the PR aide put on the campaign by Ivanka Trump, had an affair that ended in a public fight on the street—an incident cited by Nunberg in his response to Trump's suit. The campaign, on its face, was not designed to win anything.

Even as Trump eliminated the sixteen other Republican candidates, however far-fetched that might have seemed, it did not make the ultimate goal of winning the presidency any less preposterous.

And if, during the fall, winning seemed slightly more plausible, that evaporated with the Billy Bush affair. "I'm automatically attracted to beautiful—I just start kissing them," Trump told the NBC host Billy Bush on an open mic, amid the ongoing national debate about sexual harassment. "It's like a magnet. Just kiss. I don't even wait. And when you're a star they let you do it. You can do anything… . Grab them by the pussy. You can do anything."

It was an operatic unraveling. So mortifying was this development that when Reince Priebus, the RNC head, was called to New York from Washington for an emergency meeting at Trump Tower, he couldn't bring himself to leave Penn Station. It took two hours for the Trump team to coax him across town.

"Bro," said a desperate Bannon, cajoling Priebus on the phone, "I may never see you again after today, but you gotta come to this building and you gotta walk through the front door."

* * *

The silver lining of the ignominy Melania Trump had to endure after the Billy Bush tape was that now there was no way her husband could become president.

Donald Trump's marriage was perplexing to almost everybody around him—or it was, anyway, for those without private jets and many homes. He and Melania spent relatively little time together. They could go days at a time without contact, even when they were both in Trump Tower. Often she did not know where he was, or take much notice of that fact. Her husband moved between residences as he would move between rooms. Along with knowing little about his whereabouts, she knew little about his business, and took at best modest interest in it. An absentee father for his first four children, Trump was even more absent for his fifth, Barron, his son with Melania. Now on his third marriage, he told friends he thought he had finally perfected the art: live and let live—"Do your own thing."

He was a notorious womanizer, and during the campaign became possibly the world's most famous masher. While nobody would ever say Trump was sensitive when it came to women, he had many views about how to get along with them, including a theory he discussed with friends about how the more years between an older man and a younger woman, the less the younger woman took an older man's cheating personally.

Still, the notion that this was a marriage in name only was far from true. He spoke of Melania frequently when she wasn't there. He admired her looks—often, awkwardly for her, in the presence of others. She was, he told people proudly and without irony, a "trophy wife." And while he may not have quite shared his life with her, he gladly shared the spoils of it. "A happy wife is a happy life," he said, echoing a popular rich-man truism.

He also sought Melania's approval. (He sought the approval of all the women around him, who were wise to give it.) In 2014, when he first seriously began to consider running for president, Melania was one of the few who thought it was possible he could win. It was a punch line for his daughter, Ivanka, who had carefully distanced herself from the campaign. With a never-too-hidden distaste for her stepmother, Ivanka would say to friends: *All you have to know about Melania is that she thinks if he runs he'll certainly win*.

But the prospect of her husband's actually becoming president was, for Melania, a horrifying one. She believed it would destroy her carefully sheltered life—one sheltered, not inconsiderably, from the extended Trump family—which was almost entirely focused on her young son.

Don't put the cart before the horse, her amused husband said, even as he spent every day on the campaign trail, dominating the news. But her terror and torment mounted.

There was a whisper campaign about her, cruel and comical in its insinuations, going on in Manhattan, which friends told her about. Her modeling career was under close scrutiny. In Slovenia, where she grew up, a celebrity magazine, *Suzy*, put the rumors about her into print after Trump got the nomination. Then, with a sickening taste of what might be ahead, the *Daily Mail* blew the story across the world.

The *New York Post* got its hands on outtakes from a nude photo shoot that Melania had

done early in her modeling career—a leak that everybody other than Melania assumed could be traced back to Trump himself.

Inconsolable, she confronted her husband. Is this the future? She told him she wouldn't be able to take it.

Trump responded in his fashion—*We'll sue!*—and set her up with lawyers who successfully did just that. But he was unaccustomedly contrite, too. Just a little longer, he told her. It would all be over in November. He offered his wife a solemn guarantee: there was simply no way he would win. And even for a chronically—he would say helplessly—unfaithful husband, this was one promise to his wife that he seemed sure to keep.

* * *

The Trump campaign had, perhaps less than inadvertently, replicated the scheme from Mel Brooks's *The Producers*. In that classic, Brooks's larcenous and dopey heroes, Max Bialystock and Leo Bloom, set out to sell more than 100 percent of the ownership stakes in the Broadway show they are producing. Since they will be found out only if the show is a hit, everything about the show is premised on its being a flop. Accordingly, they create a show so outlandish that it actually succeeds, thus dooming our heroes.

Winning presidential candidates—driven by hubris or narcissism or a preternatural sense of destiny—have, more than likely, spent a substantial part of their careers, if not their lives from adolescence, preparing for the role. They rise up the ladder of elected offices. They perfect a public face. They manically network, since success in politics is largely about who your allies are. They cram. (Even in the case of an uninterested George W. Bush, he relied on his father's cronies to cram for him.) And they clean up after themselves—or, at least, take great care to cover up. They prepare themselves to win and to govern.

The Trump calculation, quite a conscious one, was different. The candidate and his top lieutenants believed they could get all the benefits of *almost* becoming president without having to change their behavior or their fundamental worldview one whit: we don't have to be anything but who and what we are, because of course we won't win.

Many candidates for president have made a virtue of being Washington outsiders; in practice, this strategy merely favors governors over senators. Every serious candidate, no matter how much he or she disses Washington, relies on Beltway insiders for counsel and support. But with Trump, hardly a person in his innermost circle had ever worked in politics at the national level—his closest advisers had not worked in politics at all. Throughout his life, Trump had few close friends of any kind, but when he began his campaign for president he had almost no friends in politics. The only two actual politicians with whom Trump was close were Rudy Giuliani and Chris Christie, and both men were in their own way peculiar and isolated. And to say that he knew nothing—nothing at all—about the basic intellectual foundations of the job was a comic

understatement. Early in the campaign, in a *Producers*-worthy scene, Sam Nunberg was sent to explain the Constitution to the candidate: "I got as far as the Fourth Amendment before his finger is pulling down on his lip and his eyes are rolling back in his head."

Almost everybody on the Trump team came with the kind of messy conflicts bound to bite a president or his staff. Mike Flynn, Trump's future National Security Advisor, who became Trump's opening act at campaign rallies and whom Trump loved to hear complain about the CIA and the haplessness of American spies, had been told by his friends that it had not been a good idea to take $45,000 from the Russians for a speech. "Well, it would only be a problem if we won," he assured them, knowing that it would therefore not be a problem.

Paul Manafort, the international lobbyist and political operative who Trump retained to run his campaign after Lewandowski was fired—and who agreed not to take a fee, amping up questions of quid pro quo—had spent thirty years representing dictators and corrupt despots, amassing millions of dollars in a money trail that had long caught the eye of U.S. investigators. What's more, when he joined the campaign, he was being pursued, his every financial step documented, by the billionaire Russian oligarch Oleg Deripaska, who claimed he stole $17 million from him in a crooked real estate scam.

For quite obvious reasons, no president before Trump and few politicians ever have come out of the real estate business: a lightly regulated market, based on substantial debt with exposure to frequent market fluctuations, it often depends on government favor, and is a preferred exchange currency for problem cash—money laundering. Trump's son-in-law Jared Kushner, Jared's father Charlie, Trump's sons Don Jr. and Eric, and his daughter Ivanka, as well as Trump himself, all supported their business enterprises to a greater or lesser extent working in the dubious limbo of international free cash flow and gray money. Charlie Kushner, to whose real estate business interests Trump's son-in-law and most important aide was wholly tied, had already spent time in a federal prison for tax evasion, witness tampering, and making illegal campaign donations.

Modern politicians and their staffs perform their most consequential piece of opposition research on themselves. If the Trump team had vetted their candidate, they would have reasonably concluded that heightened ethical scrutiny could easily put them in jeopardy. But Trump pointedly performed no such effort. Roger Stone, Trump's longtime political adviser, explained to Steve Bannon that Trump's psychic makeup made it impossible for him to take such a close look at himself. Nor could he tolerate knowing that somebody else would then know a lot about him—and therefore have something over him. And anyway, why take such a close and potentially threatening look, because what were the chances of winning?

Not only did Trump disregard the potential conflicts of his business deals and real estate holdings, he audaciously refused to release his tax returns. Why should he if he wasn't going to win?

What's more, Trump refused to spend any time considering, however hypothetically, transition matters, saying it was "bad luck"—but really meaning it was a waste of time. Nor would he even remotely contemplate the issue of his holdings and conflicts.

He wasn't going to win! Or losing was winning.

Trump would be the most famous man in the world—a martyr to crooked Hillary Clinton.

His daughter Ivanka and son-in-law Jared would have transformed themselves from relatively obscure rich kids into international celebrities and brand ambassadors.

Steve Bannon would become the de facto head of the Tea Party movement.

Kellyanne Conway would be a cable news star.

Reince Priebus and Katie Walsh would get their Republican Party back.

Melania Trump could return to inconspicuously lunching.

That was the trouble-free outcome they awaited on November 8, 2016. Losing would work out for everybody.

Shortly after eight o'clock that evening, when the unexpected trend—Trump might actually win—seemed confirmed, Don Jr. told a friend that his father, or DJT, as he called him, looked as if he had seen a ghost. Melania, to whom Donald Trump had made his solemn guarantee, was in tears—and not of joy.

There was, in the space of little more than an hour, in Steve Bannon's not unamused observation, a befuddled Trump morphing into a disbelieving Trump and then into a quite horrified Trump. But still to come was the final transformation: suddenly, Donald Trump became a man who believed that he deserved to be and was wholly capable of being the president of the United States.

2

TRUMP TOWER

On the Saturday after the election, Donald Trump received a small group of well-wishers in his triplex apartment in Trump Tower. Even his close friends were still shocked and bewildered, and there was a dazed quality to the gathering. But Trump himself was mostly looking at the clock.

Rupert Murdoch, heretofore doubtlessly certain Trump was a charlatan and a fool, said he and his new wife, Jerry Hall, would pay a call on the president-elect. But Murdoch was late—quite late. Trump kept assuring his guests that Rupert was on his way, coming soon. When some of the guests made a move to leave, Trump cajoled them to stay a little longer. *You'll want to stay to see Rupert*. (Or, one of the guests interpreted, you'll want to stay to see Trump with Rupert.)

Murdoch, who, with his then wife, Wendi, had often socialized with Jared and Ivanka, in the past made little effort to hide his lack of interest in Trump. Murdoch's fondness for Kushner created a curious piece of the power dynamic between Trump and his son-in-law, one that Kushner, with reasonable subtly, played to his advantage, often dropping Murdoch's name into conversations with his father-in-law. When, in 2015, Ivanka Trump told Murdoch that her father really, truly was going to run for president, Murdoch dismissed the possibility out of hand.

But now, the new president-elect—after the most astonishing upset in American history—was on tenterhooks waiting for Murdoch. "He's one of the greats," he told his guests, becoming more agitated as he waited. "Really, he's one of the greats, the last of the greats. You have to stay to see him."

It was a matched set of odd reversals—an ironic symmetry. Trump, perhaps not yet appreciating the difference between becoming president and elevating his social standing, was trying mightily to curry favor with the previously disdainful media mogul. And Murdoch, finally arriving at the party he was in more than one way sorely late to, was as subdued and thrown as everyone else, and struggling to adjust his view of a man who, for more than a generation, had been at best a clown prince among the rich and famous.

* * *

Murdoch was hardly the only billionaire who had been dismissive of Trump. In the years before the election, Carl Icahn, whose friendship Trump often cited, and who Trump had suggested he'd appoint to high office, openly ridiculed his fellow billionaire (whom he said was not remotely a billionaire).

Few people who knew Trump had illusions about him. That was almost his appeal: he was what he was. Twinkle in his eye, larceny in his soul.

But now he was the president-elect. And that, in a reality jujitsu, changed everything. So say whatever you want about him, he had done this. Pulled the sword from the stone. That meant something. *Everything*.

The billionaires had to rethink. So did everyone in the Trump orbit. The campaign staff, now suddenly in a position to snag West Wing jobs—career- and history-making jobs—had to see this odd, difficult, even ridiculous, and, on the face of it, ill-equipped person in a new light. He had been elected president. So he was, as Kellyanne Conway liked to point out, by definition, presidential.

Still, nobody had yet seen him be presidential—that is, make a public bow to political ritual and propriety. Or even to exercise some modest self-control.

Others were now recruited and, despite their obvious impressions of the man, agreed to sign on. Jim Mattis, a retired four-star general, one of the most respected commanders in the U.S. armed forces; Rex Tillerson, CEO of ExxonMobil; Scott Pruitt and Betsy DeVos, Jeb Bush loyalists—all of them were now focused on the singular fact that while he might be a peculiar figure, even an absurd-seeming one, he had been elected president.

We can make this work, is what everybody in the Trump orbit was suddenly saying. Or, at the very least, this *could possibly* work.

In fact, up close, Trump was not the bombastic and pugilistic man who had stirred rabid crowds on the campaign trail. He was neither angry nor combative. He may have been the most threatening and frightening and menacing presidential candidate in modern history, but in person he could seem almost soothing. His extreme self-satisfaction rubbed off. Life was sunny. Trump was an optimist—at least about himself. He was charming and full of flattery; he focused on you. He was funny—self-deprecating even. And incredibly energetic—*Let's do it* whatever it is, *let's do it*. He wasn't a tough guy. He was "a big warm-hearted monkey," said Bannon, with rather faint praise.

PayPal cofounder and Facebook board member Peter Thiel—really the only significant Silicon Valley voice to support Trump—was warned by another billionaire and longtime Trump friend that Trump would, in an explosion of flattery, offer Thiel his undying friendship. *Everybody says you're great, you and I are going to have an amazing working relationship, anything you want, call me and we'll get it done!* Thiel was advised not to

take Trump's offer too seriously. But Thiel, who gave a speech supporting Trump at the Republican Convention in Cleveland, reported back that, even having been forewarned, he absolutely was certain of Trump's sincerity when he said they'd be friends for life—only never to basically hear from him again or have his calls returned. Still, power provides its own excuses for social lapses. Other aspects of the Trump character were more problematic.

Almost all the professionals who were now set to join him were coming face to face with the fact that it appeared he knew nothing. There was simply no subject, other than perhaps building construction, that he had substantially mastered. Everything with him was off the cuff. Whatever he knew he seemed to have learned an hour before—and that was mostly half-baked. But each member of the new Trump team was convincing him- or herself otherwise—because what did they know, the man had been elected president. He offered something, obviously. Indeed, while everybody in his rich-guy social circle knew about his wide-ranging ignorance—Trump, the businessman, could not even read a balance sheet, and Trump, who had campaigned on his deal-making skills, was, with his inattention to details, a terrible negotiator—they yet found him somehow *instinctive*. That was the word. He was a force of personality. He could make you believe.

"Is Trump a good person, an intelligent person, a capable person?" asked Sam Nunberg, Trump's longtime political aide. "I don't even know. But I know he's a star."

Trying to explain Trump's virtues and his attraction, Piers Morgan—the British newspaper man and ill-fated CNN anchor who had appeared on *Celebrity Apprentice* and stayed a loyal Trump friend—said it was all in Trump's book *The Art of the Deal*. Everything that made him Trump and that defined his savvy, energy, and charisma was there. If you wanted to know Trump, just read the book. But Trump had not written *The Art of the Deal*. His co-writer, Tony Schwartz, insisted that he had hardly contributed to it and might not even have read all of it. And that was perhaps the point. Trump was not a writer, he was a character—a protagonist and hero.

A pro wrestling fan who became a World Wrestling Entertainment supporter and personality (inducted into the WWE Hall of Fame), Trump lived, like Hulk Hogan, as a real-life fictional character. To the amusement of his friends, and unease of many of the people now preparing to work for him at the highest levels of the federal government, Trump often spoke of himself in the third person. Trump did this. The Trumpster did that. So powerful was this persona, or role, that he seemed reluctant, or unable, to give it up in favor of being president—or presidential.

However difficult he was, many of those now around him tried to justify his behavior—tried to find an explanation for his success in it, to understand it as an advantage, not a limitation. For Steve Bannon, Trump's unique political virtue was as an alpha male, maybe the last of the alpha males. A 1950s man, a Rat Pack type, a character out of *Mad Men*.

Trump's understanding of his own essential nature was even more precise. Once, coming back on his plane with a billionaire friend who had brought along a foreign model, Trump, trying to move in on his friend's date, urged a stop in Atlantic City. He would provide a tour of his casino. His friend assured the model that there was nothing to recommend Atlantic City. It was a place overrun by white trash.

"What is this 'white trash'?" asked the model.

"They're people just like me," said Trump, "only they're poor."

He looked for a license not to conform, not to be respectable. It was something of an outlaw prescription for winning—and winning, however you won, was what it was all about.

Or, as his friends would observe, mindful themselves not to be taken in, he simply had no scruples. He was a rebel, a disruptor, and, living outside the rules, contemptuous of them. A close Trump friend who was also a good Bill Clinton friend found them eerily similar—except that Clinton had a respectable front and Trump did not.

One manifestation of this outlaw personality, for both Trump and Clinton, was their brand of womanizing—and indeed, harassing. Even among world-class womanizers and harassers, they seemed exceptionally free of doubt or hesitation.

Trump liked to say that one of the things that made life worth living was getting your friends' wives into bed. In pursuing a friend's wife, he would try to persuade the wife that her husband was perhaps not what she thought. Then he'd have his secretary ask the friend into his office; once the friend arrived, Trump would engage in what was, for him, more or less constant sexual banter. *Do you still like having sex with your wife? How often? You must have had a better fuck than your wife? Tell me about it. I have girls coming in from Los Angeles at three o'clock. We can go upstairs and have a great time. I promise* ... And all the while, Trump would have his friend's wife on the speakerphone, listening in.

Previous presidents, and not just Clinton, have of course lacked scruples. What was, to many of the people who knew Trump well, much more confounding was that he had managed to win this election, and arrive at this ultimate accomplishment, wholly lacking what in some obvious sense must be the main requirement of the job, what neuroscientists would call executive function. He had somehow won the race for president, but his brain seemed incapable of performing what would be essential tasks in his new job. He had no ability to plan and organize and pay attention and switch focus; he had never been able to tailor his behavior to what the goals at hand reasonably required. On the most basic level, he simply could not link cause and effect.

The charge that Trump colluded with the Russians to win the election, which he scoffed at, was, in the estimation of some of his friends, a perfect example of his inability to connect the dots. Even if he hadn't personally conspired with the Russians to fix the election, his efforts to curry favor with, of all people, Vladimir Putin had no doubt left a

trail of alarming words and deeds likely to have enormous political costs.

Shortly after the election, his friend Ailes told him, with some urgency, "You've got to get right on Russia." Even exiled from Fox News, Ailes still maintained a fabled intelligence network. He warned Trump of potentially damaging material coming his way. "You need to take this seriously, Donald."

"Jared has this," said a happy Trump. "It's all worked out."

* * *

Trump Tower, next door to Tiffany and now headquarters of a populist revolution, suddenly seemed like an alien spaceship—the Death Star—on Fifth Avenue. As the great and good and ambitious, as well as angry protesters and the curious hoi polloi, began beating a path to the next president's door, mazelike barricades were hurriedly thrown up to shield him.

The Pre-Election Presidential Transition Act of 2010 established funding for presidential nominees to start the process of vetting thousands of candidates for jobs in a new administration, codifying policies that would determine the early actions of a new White House, and preparing for the handoff of bureaucratic responsibilities on January 20. During the campaign, New Jersey governor Chris Christie, the nominal head of the Trump transition office, had to forcefully tell the candidate that he couldn't redirect these funds, that the law required him to spend the money and plan for a transition—even one he did not expect to need. A frustrated Trump said he didn't want to hear any more about it.

The day after the election, Trump's close advisers—suddenly eager to be part of a process that almost everybody had ignored—immediately began blaming Christie for a lack of transition preparations. Hurriedly, the bare-bones transition team moved from downtown Washington to Trump Tower.

This was certainly some of the most expensive real estate ever occupied by a transition team (and, for that matter, a presidential campaign). And that was part of the point. It sent a Trump-style message: we're not only outsiders, but we're more powerful than you insiders. Richer. More famous. With better real estate.

And, of course, it was personalized: his name, fabulously, was on the door. Upstairs was his triplex apartment, vastly larger than the White House living quarters. Here was his private office, which he'd occupied since the 1980s. And here were the campaign and now transition floors—firmly in his orbit and not that of Washington and the "swamp."

Trump's instinct in the face of his unlikely, if not preposterous, success was the opposite of humility. It was, in some sense, to rub everybody's face in it. Washington insiders, or would-be insiders, would have to come to him. Trump Tower immediately upstaged the White House. Everybody who came to see the president-elect was acknowledging, or accepting, an outsider government. Trump forced them to endure what

was gleefully called by insiders the "perp walk" in front of press and assorted gawkers. An act of obeisance, if not humiliation.

The otherworldly sense of Trump Tower helped obscure the fact that few in the thin ranks of Trump's inner circle, with their overnight responsibility for assembling a government, had almost any relevant experience. Nobody had a political background. Nobody had a policy background. Nobody had a legislative background.

Politics is a network business, a who-you-know business. But unlike other presidents-elect—all of whom invariably suffered from their own management defects—Trump did not have a career's worth of political and government contacts to call on. He hardly even had his own political organization. For most of the last eighteen months on the road, it had been, at its core, a three-person enterprise: his campaign manager, Corey Lewandowski (until he was forced out a month before the Republican National Convention); his spokesperson-bodyperson-intern, the campaign's first hire, twenty-six-year-old Hope Hicks; and Trump himself. Lean and mean and gut instincts—the more people you had to deal with, Trump found, the harder it was to turn the plane around and get home to bed at night.

The professional team—although in truth there was hardly a political professional among them—that had joined the campaign in August was a last-ditch bid to avoid hopeless humiliation. But these were people he'd worked with for just a few months.

Reince Priebus, getting ready to shift over from the RNC to the White House, noted, with alarm, how often Trump offered people jobs on the spot, many of whom he had never met before, for positions whose importance Trump did not particularly understand.

Ailes, a veteran of the Nixon, Reagan, and Bush 41 White Houses, was growing worried by the president-elect's lack of immediate focus on a White House structure that could serve and protect him. He tried to impress on Trump the ferocity of the opposition that would greet him.

"You need a son of a bitch as your chief of staff. And you need a son of a bitch who knows Washington," Ailes told Trump not long after the election. "You'll want to be your own son of a bitch, but you don't know Washington." Ailes had a suggestion: "Speaker Boehner." (John Boehner had been the Speaker of the House until he was forced out in a Tea Party putsch in 2011.)

"Who's that?" asked Trump.

Everybody in Trump's billionaire circle, concerned about his contempt for other people's expertise, tried to impress upon him the importance of the people, the many people, he would need with him in the White House, people who understood Washington. *Your people are more important than your policies. Your people* are *your policies*.

"Frank Sinatra was wrong," said David Bossie, one of Trump's longtime political

advisers. “If you can make it in New York, you can’t necessarily make it in Washington.”

* * *

The nature of the role of the modern chief of staff is a focus of much White House scholarship. As much as the president himself, the chief of staff determines how the White House and executive branch—which employs 4 million people, including 1.3 million people in the armed services—will run.

The job has been construed as deputy president, or chief operating officer, or even prime minister. Larger-than-life chiefs have included Richard Nixon’s H. R. Haldeman and Alexander Haig; Gerald Ford’s Donald Rumsfeld and Dick Cheney; Jimmy Carter’s Hamilton Jordan; Ronald Reagan’s James Baker; George H. W. Bush’s return of James Baker; Bill Clinton’s Leon Panetta, Erskine Bowles, and John Podesta; George W. Bush’s Andrew Card; and Barack Obama’s Rahm Emanuel and Bill Daley. Anyone studying the position would conclude that a stronger chief of staff is better than a weaker one, and a chief of staff with a history in Washington and the federal government is better than an outsider.

Donald Trump had little, if any, awareness of the history of or the thinking about this role. Instead, he substituted his own management style and experience. For decades, he had relied on longtime retainers, cronies, and family. Even though Trump liked to portray his business as an empire, it was actually a discrete holding company and boutique enterprise, catering more to his peculiarities as proprietor and brand representative than to any bottom line or other performance measures.

His sons, Don Jr. and Eric—jokingly behind their backs known to Trump insiders as Uday and Qusay, after the sons of Saddam Hussein—wondered if there couldn’t somehow be two parallel White House structures, one dedicated to their father’s big-picture views, personal appearances, and salesmanship and the other concerned with day-to-day management issues. In this construct, they saw themselves tending to the day-to-day operations.

One of Trump’s early ideas was to recruit his friend Tom Barrack—part of his kitchen cabinet of real estate tycoons including Steven Roth and Richard Lefrak—and make him chief of staff.

Barrack, the grandson of Lebanese immigrants, is a starstruck real estate investor of legendary acumen who owns Michael Jackson’s former oddball paradise, Neverland Ranch. With Jeffrey Epstein—the New York financier who would become a tabloid regular after a guilty plea to one count of soliciting prostitution that sent him to jail in 2008 in Palm Beach for thirteen months—Trump and Barrack were a 1980s and ’90s set of nightlife Musketeers.

The founder and CEO of the private equity firm Colony Capital, Barrack became a billionaire making investments in distress debt investments in real estate around the world,

including helping to bail out his friend Donald Trump. More recently, he had helped bail out his friend's son-in-law, Jared Kushner.

He watched with amusement Trump's eccentric presidential campaign and brokered the deal to have Paul Manafort replace Corey Lewandowski after Lewandowski fell out of favor with Kushner. Then, as confounded as everyone else by the campaign's continuing successes, Barrack introduced the future president in warm and personal terms at the Republican National Convention in July (at odds with its otherwise dark and belligerent tone).

It was Trump's perfect fantasy that his friend Tom—an organizational whiz fully aware of his friend's lack of interest in day-to-day management—would sign on to run the White House. This was Trump's instant and convenient solution to the unforeseen circumstance of suddenly being president: to do it with his business mentor, confidant, investor, and friend, someone whom acquaintances of the two men describe as "being one of the best Donald handlers." In the Trump circle this was called the "two amigos" plan. (Epstein, who remained close to Barrack, had been whitewashed out of the Trump biography.)

Barrack, among the few people whose abilities Trump, a reflexive naysayer, didn't question, could, in Trump's hopeful view, really get things running smoothly and let Trump be Trump. It was, on Trump's part, an uncharacteristic piece of self-awareness: Donald Trump might not know what he didn't know, but he knew Tom Barrack knew. He would run the business and Trump would sell the product—making American great again. #MAGA.

For Barrack, as for everybody around Trump, the election result was a kind of beyond-belief lottery-winning circumstance—your implausible friend becoming president. But Barrack, even after countless pleading and cajoling phone calls from Trump, finally had to disappoint his friend, telling him "I'm just too rich." He would never be able to untangle his holdings and interests—including big investments in the Middle East—in a way that would satisfy ethics watchdogs. Trump was unconcerned or in denial about his own business conflicts, but Barrack saw nothing but hassle and cost for himself. Also, Barrack, on his fourth marriage, had no appetite for having his colorful personal life—often, over the years, conducted with Trump—become a public focus.

* * *

Trump's fallback was his son-in-law. On the campaign, after months of turmoil and outlandishness (if not to Trump, to most others, including his family), Kushner had stepped in and become his effective body man, hovering nearby, speaking only when spoken to, but then always offering a calming and flattering view. Corey Lewandowski called Jared the butler. Trump had come to believe that his son-in-law, in part because he seemed to understand how to stay out of his way, was uniquely sagacious.

In defiance of law and tone, and everybody's disbelieving looks, the president seemed

intent on surrounding himself in the White House with his family. The Trumps, all of them—except for his wife, who, mystifyingly, was staying in New York—were moving in, all of them set to assume responsibilities similar to their status in the Trump Organization, without anyone apparently counseling against it.

Finally, it was the right-wing diva and Trump supporter Ann Coulter who took the president-elect aside and said, "Nobody is apparently telling you this. But you can't. You just can't hire your children."

Trump continued to insist that he had every right to his family's help, while at the same time asking for understanding. This is family, he said—"It's a *leettle, leettle* tricky." His staffers understood not only the inherent conflicts and difficult legal issues in having Trump's son-in-law run the White House, but that it would become, even more than it already was, family first for Trump. After a great deal of pressure, he at least agreed not to make his son-in-law the chief of staff—not officially, anyway.

* * *

If not Barrack or Kushner, then, Trump thought the job should probably go to New Jersey governor Chris Christie, who, with Rudy Giuliani, comprised the sum total of his circle of friends with actual political experience.

Christie, like most Trump allies, fell in and out of favor. In the final weeks of the campaign, Trump contemptuously measured Christie's increasing distance from his losing enterprise, and then, with victory, his eagerness to get back in.

Trump and Christie went back to Trump's days trying—and failing—to become an Atlantic City gaming mogul. *The* Atlantic City gaming mogul. (Trump had long been competitive with and in awe of the Las Vegas gaming mogul Steve Wynn, whom Trump would name finance chairman of the RNC.) Trump had backed Christie as he rose through New Jersey politics. He admired Christie's straight-talk style, and for a while, as Christie anticipated his own presidential run in 2012 and 2013—and as Trump was looking for a next chapter for himself with the fading of *The Apprentice*, his reality TV franchise—Trump even wondered whether he might be a vice presidential possibility for Christie.

Early in the campaign, Trump said he wouldn't have run against Christie but for the Bridgegate scandal (which erupted when Christie's associates closed traffic lanes on the George Washington Bridge to undermine the mayor of a nearby town who was a Christie opponent, and which Trump privately justified as "just New Jersey hardball"). When Christie dropped out of the race in February 2016 and signed on with the Trump campaign, he endured a torrent of ridicule for supporting his friend, whom he believed had promised him a clear track to the VP slot.

It had personally pained Trump not to be able to give it to him. But if the Republican establishment had not wanted Trump, they had not wanted Christie almost as much. So Christie got the job of leading the transition and the implicit promise of a central job—

attorney general or chief of staff.

But when he was the federal prosecutor in New Jersey, Christie had sent Jared's father, Charles Kushner, to jail in 2005. Charlie Kushner, pursued by the feds for an income tax cheat, set up a scheme with a prostitute to blackmail his brother-in-law, who was planning to testify against him.

Various accounts, mostly offered by Christie himself, make Jared the vengeful hatchet man in Christie's aborted Trump administration career. It was a kind of perfect sweet-revenge story: the son of the wronged man (or, in this case—there's little dispute—the guilty-as-charged man) uses his power over the man who wronged his family. But other accounts offer a subtler and in a way darker picture. Jared Kushner, like sons-in-law everywhere, tiptoes around his father-in-law, carefully displacing as little air as possible: the massive and domineering older man, the reedy and pliant younger one. In the revised death-of-Chris-Christie story, it is not the deferential Jared who strikes back, but—in some sense even more satisfying for the revenge fantasy—Charlie Kushner himself who harshly demands his due. It was his daughter-in-law who held the real influence in the Trump circle, who delivered the blow. Ivanka told her father that Christie's appointment as chief of staff or to any other high position would be extremely difficult for her and her family, and it would be best that Christie be removed from the Trump orbit altogether.

* * *

Bannon was the heavy of the organization. Trump, who seemed awestruck by Bannon's conversation—a mix of insults, historical riffs, media insights, right-wing bons mots, and motivational truisms—now began suggesting Bannon to his circle of billionaires as chief of staff, only to have this notion soundly ridiculed and denounced. But Trump pronounced many people in favor of it anyway.

In the weeks leading up to the election, Trump had labeled Bannon a flatterer for his certainty that Trump would win. But now he had come to credit Bannon with something like mystical powers. And in fact Bannon, with no prior political experience, was the only Trump insider able to offer a coherent vision of Trump's populism—aka Trumpism.

The anti-Bannon forces—which included almost every non-Tea Party Republican—were quick to react. Murdoch, a growing Bannon nemesis, told Trump that Bannon would be a dangerous choice. Joe Scarborough, the former congressman and cohost of MSNBC's *Morning Joe*, a favorite Trump show, privately told Trump "Washington will go up in flames" if Bannon became chief of staff, and, beginning a running theme, publicly denigrated Bannon on the show.

In fact, Bannon presented even bigger problems than his politics: he was profoundly disorganized, seemingly on the spectrum given what captured his single-minded focus to the disregard of everything else. Might he be the worst manager who ever lived? He might. He seemed incapable of returning a phone call. He answered emails in one word—

partly a paranoia about email, but even more a controlling crypticness. He kept assistants and minders at constant bay. You couldn't really make an appointment with Bannon, you just had to show up. And somehow, his own key lieutenant, Alexandra Preate, a conservative fundraiser and PR woman, was as disorganized as he was. After three marriages, Bannon lived his bachelor's life on Capitol Hill in a row house known as the Breitbart Embassy that doubled as the Breitbart office—the life of a messy party. No sane person would hire Steven Bannon for a job that included making the trains run on time.

* * *

Hence, Reince Priebus.

For the Hill, he was the only reasonable chief among the contenders, and he quickly became the subject of intense lobbying by House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell. If they were going to have to deal with an alien like Donald Trump, then best they do it with the help of a member of their own kind.

Priebus, forty-five, was neither politician nor policy wonk nor strategist. He was political machine worker, one of the oldest professions. A fundraiser.

A working-class kid originally from New Jersey and then Wisconsin, at thirty-two he made his first and last run for elective office: a failed bid for Wisconsin state senate. He became the chairman of the state party and then the general counsel of the Republican National Committee. In 2011 he stepped up to chairmanship of the RNC. Priebus's political cred came from appeasing the Tea Party in Wisconsin, and his association with Wisconsin governor Scott Walker, a rising Republican star (and, briefly—very briefly—the 2016 front-runner).

With significant parts of the Republican Party inalterably opposed to Trump, and with an almost universal belief within the party that Trump would go down to ignominious defeat, taking the party with him, Priebus was under great pressure after Trump captured the nomination to shift resources down the ticket and even to abandon the Trump campaign entirely.

Convinced himself that Trump was hopeless, Priebus nevertheless hedged his bets. The fact that he did not abandon Trump entirely became a possible margin of victory and made Priebus something of a hero (equally, in the Kellyanne Conway version, if they had lost, he would have been a reasonable target). He became the default choice for chief.

And yet his entry into the Trump inner circle caused Priebus his share of uncertainty and bewilderment. He came out of his first long meeting with Trump thinking it had been a disconcertingly weird experience. Trump talked nonstop and constantly repeated himself.

"Here's the deal," a close Trump associate told Priebus. "In an hour meeting with him you're going to hear fifty-four minutes of stories and they're going to be the same stories

over and over again. So you have to have one point to make and you have to pepper it in whenever you can."

The Priebus appointment as chief of staff, announced in mid-November, also put Bannon on a coequal level. Trump was falling back on his own natural inclinations to let nobody have real power. Priebus, even with the top job, would be a weaker sort of figure, in the traditional mold of most Trump lieutenants over the years. The choice also worked well for the other would-be chiefs. Tom Barrack could easily circumvent Priebus and continue to speak directly to Trump. Jared Kushner's position as son-in-law and soon top aide would not be impeded. And Steve Bannon, reporting directly to Trump, remained the undisputed voice of Trumpism in the White House.

There would be, in other words, one chief of staff in name—the unimportant one—and various others, more important, in practice, ensuring both chaos and Trump's own undisputed independence.

Jim Baker, chief of staff for both Ronald Reagan and George H. W. Bush and almost everybody's model for managing the West Wing, advised Priebus not to take the job.

* * *

The transmogrification of Trump from joke candidate, to whisperer for a disaffected demographic, to risible nominee, to rent-in-the-fabric-of-time president-elect, did not inspire in him any larger sense of sober reflection. After the shock of it, he immediately seemed to rewrite himself as the inevitable president.

One instance of his revisionism, and of the new stature he now seemed to assume as president, involved the lowest point of the campaign—the Billy Bush tape.

His explanation, in an off-the-record conversation with a friendly cable anchor, was that it "really wasn't me."

The anchor acknowledged how unfair it was to be characterized by a single event.

"No," said Trump, "it wasn't me. I've been told by people who understand this stuff about how easy it is to alter these things and put in voices and completely different people."

He was the winner and now expected to be the object of awe, fascination, and favor. He expected this to be binary: a hostile media would turn into a fannish one.

And yet here he was, the winner who was treated with horror and depredations by a media that in the past, as a matter of course and protocol, could be depended on to shower lavish deference on an incoming president no matter who he was. (Trump's shortfall of three million votes continued to rankle and was a subject best avoided.) It was nearly incomprehensible to him that the same people—that is, the media—who had violently criticized him for saying he might dispute the election result were now calling *him*

illegitimate.

Trump was not a politician who could parse factions of support and opprobrium; he was a salesman who needed to make a sale. "I won. I am the winner. I am not the loser," he repeated, incredulously, like a mantra.

Bannon described Trump as a simple machine. The On switch was full of flattery, the Off switch full of calumny. The flattery was dripping, slavish, cast in ultimate superlatives, and entirely disconnected from reality: so-and-so was the best, the most incredible, the ne plus ultra, the eternal. The calumny was angry, bitter, resentful, ever a casting out and closing of the iron door.

This was the nature of Trump's particular salesmanship. His strategic belief was that there was no reason not to heap excessive puffery on a prospect. But if the prospect was ruled out as a buyer, there was no reason not to heap scorn and lawsuits on him or her. After all, if they don't respond to sucking up, they might respond to piling on. Bannon felt —perhaps with overconfidence—that Trump could be easily switched on and off.

Against the background of a mortal war of wills—with the media, the Democrats, and the swamp—that Bannon was encouraging him to wage, Trump could also be courted. In some sense, he wanted nothing so much as to be courted.

Amazon's Jeff Bezos, the owner of the *Washington Post*, which had become one of the many Trump media bêtes noires in the media world, nevertheless took pains to reach out not only to the presidentelect but to his daughter Ivanka. During the campaign, Trump said Amazon was getting "away with murder taxwise" and that if he won, "Oh, do they have problems." Now Trump was suddenly praising Bezos as "a top-level genius." Elon Musk, in Trump Tower, pitched Trump on the new administration's joining him in his race to Mars, which Trump jumped at. Stephen Schwarzman, the head of the Blackstone Group—and a Kushner friend—offered to organize a business council for Trump, which Trump embraced. Anna Wintour, the *Vogue* editor and fashion industry queen, had hoped to be named America's ambassador to the UK under Obama and, when that didn't happen, closely aligned herself with Hillary Clinton. Now Wintour arrived at Trump Tower (but refused to do the perp walk) and suggested that she become Trump's ambassador to the Court of St. James's. And Trump was inclined to entertain the idea. ("Fortunately," said Bannon, "there was no chemistry.")

On December 14, a high-level delegation from Silicon Valley came to Trump Tower to meet the president-elect, though Trump had repeatedly criticized the tech industry throughout the campaign. Later that afternoon, Trump called Rupert Murdoch, who asked him how the meeting had gone.

"Oh, great, just great," said Trump. "Really, really good. These guys really need my help. Obama was not very favorable to them, too much regulation. This is really an opportunity for me to help them."

"Donald," said Murdoch, "for eight years these guys had Obama in their pocket. They practically ran the administration. They don't need your help."

"Take this H-1B visa issue. They really need these H-1B visas."

Murdoch suggested that taking a liberal approach to H-1B visas might be hard to square with his immigration promises. But Trump seemed unconcerned, assuring Murdoch, "We'll figure it out."

"What a fucking idiot," said Murdoch, shrugging, as he got off the phone.

* * *

Ten days before Donald Trump's inauguration as the forty-fifth president, a group of young Trump staffers—the men in regulation Trump suits and ties, the women in the Trump-favored look of high boots, short skirts, and shoulder-length hair—were watching President Barack Obama give his farewell speech as it streamed on a laptop in the transition offices.

"Mr. Trump said he's never once listened to a whole Obama speech," said one of the young people authoritatively.

"They're so boring," said another.

While Obama bade his farewell, preparations for Trump's first press conference since the election, to be held the next day, were under way down the hall. The plan was to make a substantial effort to show that the president-elect's business conflicts would be addressed in a formal and considered way.

Up until now, Trump's view was that he'd been elected *because* of those conflicts—his business savvy, connections, experience, and brand—not in spite of them, and that it was ludicrous for anyone to think he could untangle himself even if he wanted to. Indeed, to reporters and anyone else who would listen, Kellyanne Conway offered on Trump's behalf a self-pitying defense about how great his sacrifice had already been.

After fanning the flames of his intention to disregard rules regarding conflicts of interest, now, in a bit of theater, he would take a generous new tack. Standing in the lobby of Trump Towner next to a table stacked high with document folders and legal papers, he would describe the vast efforts that had been made to do the impossible and how, henceforth, he would be exclusively focused on the nation's business.

But suddenly this turned out to be quite beside the point.

Fusion GPS, an opposition research company (founded by former journalists, it provided information to private clients), had been retained by Democratic Party interests. Fusion had hired Christopher Steele, a former British spy, in June 2016, to help investigate Trump's repeated brags about his relationship with Vladimir Putin and the nature of Trump's relationship with the Kremlin. With reports from Russian sources, many

connected to Russian intelligence, Steele assembled a damaging report—now dubbed the "dossier"—suggesting that Donald Trump was being blackmailed by the Putin government. In September, Steele briefed reporters from the *New York Times*, the *Washington Post*, Yahoo! News, the *New Yorker*, and CNN. All declined to use this unverified information, with its unclear provenance, especially given that it was about an unlikely election winner.

But the day before the scheduled press conference, CNN broke details of the Steele dossier. Almost immediately thereafter, Buzzfeed published the entire report—an itemized bacchanal of beyond-the-pale behavior.

On the verge of Trump's ascendancy to the presidency, the media, with its singular voice on Trump matters, was propounding a conspiracy of vast proportions. The theory, suddenly presented as just this side of a likelihood, was that the Russians had suborned Donald Trump during a trip to Moscow with a crude blackmail scheme involving prostitutes and videotaped sexual acts pushing new boundaries of deviance (including "golden showers") with prostitutes and videotaped sex acts. The implicit conclusion: a compromised Trump had conspired with the Russians to steal the election and to install him in the White House as Putin's dupe.

If this was true, then the nation stood at one of the most extraordinary moments in the history of democracy, international relations, and journalism.

If it was not true—and it was hard to fathom a middle ground—then it would seem to support the Trump view (and the Bannon view) that the media, in also quite a dramatic development in the history of democracy, was so blinded by an abhorrence and revulsion, both ideological and personal, for the democratically elected leader that it would pursue any avenue to take him down. Mark Hemingway, in the conservative, but anti-Trump, *Weekly Standard*, argued the novel paradox of two unreliable narrators dominating American public life: the president-elect spoke with little information and frequently no factual basis, while "the frame the media has chosen to embrace is that everything the man does is, by default, unconstitutional or an abuse of power."

On the afternoon of January 11, these two opposing perceptions faced off in the lobby of Trump Tower: the political antichrist, a figure of dark but buffoonish scandal, in the pocket of America's epochal adversary, versus the would-be revolutionary-mob media, drunk on virtue, certainty, and conspiracy theories. Each represented, for the other side, a wholly discredited "fake" version of reality.

If these character notes seemed comic-book in style, that was exactly how the press conference unfolded.

First Trump's encomiums to himself:

"I will be the greatest jobs producer that God ever created… ."

A smattering of the issues before him:

"Veterans with a little cancer can't see a doctor until they are terminal… ."

Then the incredulity:

"I was in Russia years ago with the Ms. Universe contest—did very very well—I tell everyone be careful, because you don't want to see yourself on television—cameras all over the place. And again, not just Russia, all over. So would anyone really believe that story? I'm also very much of a germaphobe, by the way. Believe me."

Then the denial:

"I have no deals in Russia, I have no deal that could happen in Russia because we've stayed away, and I have no loans with Russia. I have to say one thing … Over the weekend I was offered two billion dollars to do a deal in Dubai and I turned it down. I didn't have to turn it down, because as you know I have a no-conflict situation as president. I didn't know about that until three months ago but it's a nice thing to have. But I didn't want to take advantage of something. I have a no-conflict-of-interest provision as president. I could actually run my business, run my business and run government at the same time. I don't like the way that looks but I would be able to do that if I wanted to. I could run the Trump organization, a great, great company, and I could run the country, but I don't want to do that."

Then the direct attack on CNN, his nemesis:

"Your organization is terrible. Your organization is terrible… . Quiet … quiet … don't be rude … Don't be… . No, I'm not going to give you a question … I'm not going to give you a question… . You are fake news… ."

And in summation:

"That report first of all should never have been printed because it's not worth the paper it's printed on. I will tell you that should never ever happen. Twenty-two million accounts were hacked by China. That's because we have no defense, because we're run by people who don't know what they're doing. Russia will have far greater respect for our country when I'm leading it. And not just Russia, China, which has taken total advantage of us. Russia, China, Japan, Mexico, all countries will respect us far more, far more than they do under past administrations… ."

Not only did the president-elect wear his deep and bitter grievances on his sleeve, but it was now clear that the fact of having been elected president would not change his unfiltered, apparently uncontrollable, utterly shoot-from-the-hip display of wounds, resentments, and ire.

"I think he did a fantastic job," said Kellyanne Conway after the news conference. "But the media won't say that. They never will."

3

DAY ONE

Jared Kushner at thirty-six prided himself on his ability to get along with older men. By the time of Donald Trump's inauguration he had become the designated intermediary between his father-in-law and the establishment, such as it was—more moderate Republicans, corporate interests, the New York rich. Having a line to Kushner seemed to offer an alarmed elite a handle on a volatile situation.

Several of his father-in-law's circle of confidants also confided in Kushner—often confiding their worries about their friend, the presidentelect.

"I give him good advice about what he needs to do and for three hours the next day he does it, and then goes hopelessly off script," complained one of them to Trump's son-in-law. Kushner, whose pose was to take things in and not give much back, said he understood the frustration.

These powerful figures tried to convey a sense of real-world politics, which they all claimed to comprehend at some significantly higher threshold than the soon-to-be president. They were all concerned that Trump did not understand what he was up against. That there was simply not enough method to his madness.

Each of these interlocutors provided Kushner with something of a tutorial on the limitations of presidential power—that Washington was as much designed to frustrate and undermine presidential power as to accommodate it.

"Don't let him piss off the press, don't let him piss off the Republican Party, don't threaten congressmen because they will fuck you if you do, and most of all don't let him piss off the intel community," said one national Republican figure to Kushner. "If you fuck with the intel community they will figure out a way to get back at you and you'll have two or three years of a Russian investigation, and every day something else will leak out."

A vivid picture was painted for the preternaturally composed Kushner of spies and their power, of how secrets were passed out of the intelligence community to former members of the community or to other allies in Congress or even to persons in the executive branch and then to the press.

One of Kushner's now-frequent wise-men callers was Henry Kissinger. Kissinger, who had been a front-row witness when the bureaucracy and intelligence community revolted against Richard Nixon, outlined the kinds of mischief, and worse, that the new administration could face.

"Deep state," the left-wing and right-wing notion of an intelligence-network permanent-government conspiracy, part of the Breitbart lexicon, became the Trump team term of art: he's poked the deep state bear.

Names were put to this: John Brennan, the CIA director; James Clapper, the director of national intelligence; Susan Rice, the outgoing National Security Advisor; and Ben Rhodes, Rice's deputy and an Obama favorite.

Movie scenarios were painted: a cabal of intelligence community myrmidons, privy to all sorts of damning evidence of Trump's recklessness and dubious dealings, would, with a strategic schedule of wounding, embarrassing, and distracting leaks, make it impossible for the Trump White House to govern.

What Kushner was told, again and again, is that the president had to make amends. He had to reach out. He had to mollify. *These were forces not to be trifled with* was said with utmost gravity.

Throughout the campaign and even more forcefully after the election, Trump had targeted the American intelligence community—the CIA, FBI, NSC, and, altogether, seventeen separate intelligence agencies—as incompetent and mendacious. (His message was "on auto pilot," said one aide.) Among the various and plentiful Trump mixed messages at odds with conservative orthodoxy, this was a particularly juicy one. His case against American intelligence included its faulty information about weapons of mass destruction that preceded the Iraq war, a litany of Obama Afghanistan-Iraq-Syria-Libya and other war-related intelligence failures, and, more recently, but by no means least of all, intelligence leaks regarding his purported Russian relationships and subterfuges.

Trump's criticism seemed to align him with the left in its half century of making a bogeyman of American intelligence agencies. But, in quite some reversal, the liberals and the intelligence community were now aligned in their horror of Donald Trump. Much of the left—which had resoundingly and scathingly rejected the intelligence community's unambiguous assessment of Edward Snowden as a betrayer of national secrets rather than a well-intentioned whistle-blower—now suddenly embraced the intelligence community's authority in its suggestion of Trump's nefarious relationships with the Russians.

Trump was dangerously out in the cold.

Hence, Kushner thought it was sensible to make a reach-out to the CIA among the first orders of the new administration's business.

* * *

Trump did not enjoy his own inauguration. He had hoped for a big blowout. Tom Barrack, the would-be showman—in addition to Michael Jackson's Neverland Ranch, he had bought Miramax Pictures from Disney with the actor Rob Lowe—may have declined the chief of staff job, but, as part of his shadow involvement with his friend's White House, he stepped up to raise the money for the inaugural and to create an event that—seemingly quite at odds with the new president's character, and with Steve Bannon's wish for a no-frills populist inauguration—he promised would have a "soft sensuality" and "poetic cadence." But Trump, imploring friends to use their influence to nail some of the A-level stars who were snubbing the event, started to get angry and hurt that stars were determined to embarrass him. Bannon, a soothing voice as well as a professional agitator, tried to argue the dialectical nature of what they had achieved (without using the word "dialectical"). Because Trump's success was beyond measure, or certainly beyond all expectations, the media and the liberals had to justify their own failure, he explained to the new president.

In the hours before the inauguration, the whole of Washington seemed to be holding its breath. On the evening before Trump was sworn in, Bob Corker, the Republican senator from Tennessee and the chairman of the Senate Foreign Relations Committee, opened his remarks as the featured speaker at a gathering at the Jefferson Hotel with the existential question, "Where are things going?" He paused for a moment and then answered, as though from some deep well of bewilderment, "I have no idea."

Later that evening, a concert at the Lincoln Memorial, part of an always awkward effort to import pop culture to Washington, ended up, absent any star power, with Trump himself taking the stage as the featured act, angrily insisting to aides that he could outdraw any star.

Dissuaded by his staff from staying at the Trump International Hotel in Washington and regretting his decision, the president-elect woke up on inaugural morning complaining about the accommodations at Blair House, the official guest residence across the street from the White House. Too hot, bad water pressure, bad bed.

His temper did not improve. Throughout the morning, he was visibly fighting with his wife, who seemed on the verge of tears and would return to New York the next day; almost every word he addressed to her was sharp and peremptory. Kellyanne Conway had taken up Melania Trump as a personal PR mission, promoting the new First Lady as a vital pillar of support for the president and a helpful voice in her own right, and was trying to convince Trump that she could have an important role in the White House. But, in general, the Trumps' relationship was one of those things nobody asked too many questions about—another mysterious variable in the presidential mood.

At the ceremonial meeting of the soon-to-be-new president and the soon-to-be-old president at the White House, which took place just before they set off for the swearing-in ceremony, Trump believed the Obamas acted disdainfully—"very arrogant"—toward him

and Melania. Instead of wearing a game face, going into the inaugural events, the president-elect wore what some around him had taken to calling his golf face: angry and pissed off, shoulders hunched, arms swinging, brow furled, lips pursed. This had become the public Trump—truculent Trump.

An inauguration is supposed to be a love-in. The media gets a new and upbeat story. For the party faithful, happy times are here again. For the permanent government—the swamp—it's a chance to curry favor and seek new advantage. For the country, it's a coronation. But Bannon had three messages or themes he kept trying to reinforce with his boss: his presidency was going to be different—as different as any since Andrew Jackson's (he was supplying the less-than-well-read president-elect with Jackson-related books and quotes); they knew who their enemies were and shouldn't fall into the trap of trying to make them their friends, because they wouldn't be; and so, from day one, they should consider themselves on a war footing. While this spoke to Trump's combative "counterpuncher" side, it was hard on his eager-to-be-liked side. Bannon saw himself as managing these two impulses, emphasizing the former and explaining to his boss why having enemies here created friends somewhere else.

In fact, Trump's aggrieved mood became a perfect match for the Bannon-written aggrieved inaugural address. Much of the sixteen-minute speech was part of Bannon's daily *joie de guerre* patter—his take-back-the-country America-first, carnage-everywhere vision for the country. But it actually became darker and more forceful when filtered through Trump's disappointment and delivered with his golf face. The administration purposely began on a tone of menace—a Bannon-driven message to the other side that the country was about to undergo profound change. Trump's wounded feelings—his sense of being shunned and unloved on the very day he became president—helped send that message. When he came off the podium after delivering his address, he kept repeating, "Nobody will forget this speech."

George W. Bush, on the dais, supplied what seemed likely to become the historic footnote to the Trump address: "That's some weird shit."

* * *

Trump, despite his disappointment at Washington's failure to properly greet and celebrate him, was, like a good salesman, an optimist. Salesmen, whose primary characteristic and main asset is their ability to keep selling, constantly recast the world in positive terms. Discouragement for everyone else is merely the need to improve reality for them.

By the next morning, Trump was soliciting affirmation of his view that the inauguration had been a great success. "That crowd went all the way back. That were more than a million people at least, right?" He made a series of phone calls to friends who largely yes'd him on this. Kushner confirmed a big crowd. Conway did nothing to dissuade him. Priebus agreed. Bannon made a joke.

Among Trump's first moves as president was to have a series of inspirational photographs in the West Wing replaced with images of big crowd scenes at his inaugural ceremony.

Bannon had come to rationalize Trump's reality distortions. Trump's hyperbole, exaggerations, flights of fancy, improvisations, and general freedom toward and mangling of the facts, were products of the basic lack of guile, pretense, and impulse control that helped create the immediacy and spontaneity that was so successful with so many on the stump—while so horrifying to so many others.

For Bannon, Obama was the north star of aloofness. "Politics," said Bannon with an authority that belayed the fact that until the previous August he had never worked in politics, "is a more immediate game than he ever played it." Trump was, for Bannon, a modern-day William Jennings Bryan. (Bannon had long talked about the need for a new Williams Jennings Bryan in right-wing politics, with friends assuming Bannon meant himself.) At the turn of the twentieth century, Bryan had enthralled rural audiences with his ability to speak passionately and extemporaneously for apparently unlimited periods of time. Trump compensated—in the theory of some intimates, including Bannon—for his difficulties with reading, writing, and close focus with an improvisational style that produced, if not exactly a William Jennings Bryan effect, certainly close to the exact opposite of the Obama effect.

It was part hortatory, part personal testimony, part barstool blow-hard, a rambling, disjointed, digressive, what-me-worry approach that combined aspects of cable television rage, big-tent religious revivalism, Borscht Belt tummler, motivational speaking, and YouTube vlogging. Charisma in American politics had come to define an order of charm, wit, and style—a coolness. But another sort of American charisma was more in the Christian evangelical vein, an emotional, experiential spectacle.

The Trump campaign had built its central strategy around great rallies regularly attracting tens of thousands, a political phenomenon that the Democrats both failed to heed and saw as a sign of Trump's limited appeal. For the Trump team, this style, this unmediated connection—his speeches, his tweets, his spontaneous phone calls to radio and television shows, and, often, to anyone who would listen—was revelatory, a new, personal, and inspirational politics. For the other side, it was clownishness that, at best, aspired to the kind of raw, authoritarian demagoguery that had long been discredited by and assigned to history and that, when it appeared in American politics, reliably failed.

While the advantages of this style for the Trump team were now very clear, the problem was that it often—in fact regularly—produced assertions that were not remotely true.

This had led increasingly to the two-different-realities theory of Trump politics. In the one reality, which encompassed most of Trump's supporters, his nature was understood

and appreciated. He was the anti-wonk. He was the counterexpert. His was the gut call. He was the everyman. He was jazz (some, in the telling, made it rap), everybody else an earnest folk music. In the other reality, in which resided most of his antagonists, his virtues were grievous if not mental and criminal flaws. In this reality lived the media, which, with its conclusion of a misbegotten and bastard presidency, believed it could diminish him and wound him (and wind him up) and rob him of all credibility by relentlessly pointing out how literally wrong he was.

The media, adopting a "shocked, shocked" morality, could not fathom how being factually wrong was not an absolute ending in itself. How could this not utterly shame him? How could his staff defend him? The facts were the facts! Defying them, or ignoring them, or subverting them, made you a liar—intending to deceive, bearing false witness. (A minor journalism controversy broke out about whether these untruths should be called inaccuracies or lies.)

In Bannon's view: (1) Trump was never going to change; (2) trying to get him to change would surely cramp his style; (3) it didn't matter to Trump supporters; (4) the media wasn't going to like him anyway; (5) it was better to play against the media than to the media; (6) the media's claim to be the protector of factual probity and accuracy was itself a sham; (7) the Trump revolution was an attack on conventional assumptions and expertise, so better to embrace Trump's behavior than try to curb it or cure it.

The problem was that, for all he was never going to stick to a script ("his mind just doesn't work that way" was one of the internal rationalizations), Trump craved media approval. But, as Bannon emphasized, he was never going to get the facts right, nor was he ever going to acknowledge that he got them wrong, so therefore he was not going to get that approval. This meant, next best thing, that he had to be aggressively defended against the media's disapproval.

The problem here was that the more vociferous the defense—mostly of assertions that could easily be proved wrong—the more the media redoubled its attacks and censure. What's more, Trump was receiving the censure of his friends, too. And it was not only calls from friends worried about him, but staffers calling people to call him and say *Simmer down*. "Who do you have in there?" said Joe Scarborough in a frantic call. "Who's the person you trust? Jared? Who can talk you through this stuff before you decided to act on it?"

"Well," said the president, "you won't like the answer, but the answer is me. Me. I talk to myself."

Hence, within twenty-four hours of the inauguration, the president had invented a million or so people who did not exist. He sent his new press secretary, Sean Spicer—whose personal mantra would shortly become "You can't make this shit up"—to argue his case in a media moment that turned Spicer, quite a buttoned-down political professional,

into a national joke, which he seemed destined to never recover from. To boot, the president blamed Spicer for not making the million phantom souls seem real.

It was the first presidential instance of what the campaign regulars had learned over many months: on the most basic level, Trump just did not, as Spicer later put it, give a fuck. You could tell him whatever you wanted, but he knew what he knew, and if what you said contradicted what he knew, he simply didn't believe you.

The next day Kellyanne Conway, her aggressive posture during the campaign turning more and more to petulance and self-pity, asserted the new president's right to claim "alternative facts." As it happened, Conway meant to say "alternative information," which at least would imply there might be additional data. But as uttered, it certainly sounded like the new administration was claiming the right to recast reality. Which, in a sense, it was. Although, in Conway's view, it was the media doing the recasting, making a mountain (hence "fake news") out of a molehill (an honest minor exaggeration, albeit of vast proportions).

Anyway, the frequently asked question about whether Trump would continue his unsupervised and often inexplicable tweets now that he was officially in the White House and the president of the United States—a question as hotly asked inside the White House as out—was answered: he would.

This was his fundamental innovation in governing: regular, uncontrolled bursts of anger and spleen.

* * *

The president's immediate official business, however, was to make nice with the CIA.

On Saturday, January 21, in an event organized by Kushner, the president, in his first presidential act, paid a call on Langley to, in Bannon's hopeful description, "play some politics." In carefully prepared remarks in his first act as president, he would lay some of the famous Trump flattery on the CIA and the rest of the sprawling, and leaking, U.S. intelligence world.

Not taking off his dark overcoat, lending him quite a hulking gangster look, pacing in front of the CIA's wall of stars for its fallen agents, in front of a crowd of about three hundred agency personnel and a group of White House staffers, and, suddenly, in a mood of sleepless cockiness and pleasure at having a captive crowd, the new president, disregarding his text, launched into what we could confidently call some of the most peculiar remarks ever delivered by an American president.

"I know a lot about West Point, I'm a person who very strongly believes in academics. Every time I say I had an uncle who was a great professor at MIT for 35 years, who did a fantastic job in so many ways academically—he was an academic genius—and then they say, Is Donald Trump an intellectual? Trust me, I'm like a smart person."

Which was all somehow by way of praise for the new, soon-to-be-confirmed CIA director, Mike Pompeo, who had attended West Point and who Trump had brought with him to stand in the crowd—and who now found himself as bewildered as everyone else.

"You know when I was young. Of course I feel young—I feel like I was 30 … 35 … 39 … . Somebody said, Are you young? I said, I think I'm young. I was stopping in the final months of the campaign, four stops, five stops, seven stops—speeches, speeches in front of twenty-five, thirty thousand people … fifteen, nineteen thousand. I feel young—I think we're all so young. When I was young we were always winning things in this country. We'd win with trade, we'd win with wars—at a certain age I remembering hearing from one of my instructors, the United States has never lost a war. And then, after that, it's like we haven't won anything. You know the old expression, to the victor belongs the spoils? You remember I always say, keep the oil."

"*Who* should keep the oil?" asked a bewildered CIA employee, leaning over to a colleague in the back of the room.

"I wasn't a fan of Iraq, I didn't want to go into Iraq. But I will tell you when we were in we got out wrong and I always said in addition to that keep the oil. Now I said it for economic reasons, but if you think about it, Mike"—he called out across the room, addressing the soon-to-be director—"if we kept the oil we wouldn't have ISIS because that's where they made their money in the first place, so that's why we should have kept the oil. But okay—maybe you'll have another chance—but the fact is we should have kept the oil."

The president paused and smiled with evident satisfaction.

"The reason you are my first stop, as you know I have a running war with the media, they are among the most dishonest human beings on earth, and they sort of made it sound like I had a feud with the intelligence community and I just want to let you know the reason you're the number one stop is exactly the opposite, exactly, and they understand that. I was explaining about the numbers. We did, we did a thing yesterday at the speech. Did everybody like the speech? You had to like it. But we had a massive field of people. You saw them. Packed. I get up this morning, I turn on one of the networks, and they show an empty field and I say, Wait a minute, I made a speech. I looked out—the field was—it looked like a million, million and half people. They showed a field where there were practically nobody standing there. And they said Donald Trump did not draw well and I said it was almost raining, the rain should have scared them away, but God looked down and said we're not going to let it rain on your speech and in fact when I first started I said, Oooh no, first line I got hit by a couple of drops, and I said, Oh this is too bad, but we'll go right through it, the truth is it stopped immediately… ."

"No, it didn't," one of the staffers traveling with him said reflexively, then catching herself and, with a worried look, glancing around to see if she had been overheard.

"… and then it became really sunny and I walked off and it poured right after I left. It poured but we have something amazing because—honestly it looked like a million, million and a half people, whatever it was it was, but it went all the way back to the Washington Monument and by mistake I get this network and it showed an empty field and it said we drew two hundred fifty thousand people. Now that's not bad, but it's a lie… . And we had another one yesterday which was interesting. In the Oval Office there's a beautiful statue of Dr. Martin Luther King and I also happen to like Churchill—Winston Churchill—I think most of us like Churchill, doesn't come from our country but had a lot to do with it, helped us, real ally, and as you know the Churchill statue was taken out… . So a reporter for *Time* magazine and I have been on the cover like fourteen or fifteen times. I think I have the all-time record in the history of *Time* magazine. Like if Tom Brady is on the cover it's one time because he won the Super Bowl or something. I've been on fifteen times this year. I don't think, Mike, that's a record that can ever be broken, do you agree with that … . What do you think?"

"No," said Pompeo in a stricken voice.

"But I will say that they said it was very interesting that 'Donald Trump took down the bust, the statue, of Dr. Martin Luther King,' and it was right there, there was a cameraman that was in front of it. So Zeke … Zeke … from *Time* magazine … writes a story that I took it down. I would never do that. I have great respect for Dr. Martin Luther King. But this is how dishonest the media is. Now big story, but the retraction was like this"—he indicated ever-so-small with his fingers. "Is it a line or do they even bother putting it in? I only like to say I love honesty, I like honest reporting. I will tell you, final time, although I will say it when you let in your thousands of other people who have been trying to come in, because I am coming back, we may have to get you a larger room, we may have to get you a larger room and maybe, *maybe*, it will be built by somebody that knows how to build and we won't have columns. You understand that? We get rid of the columns, but you know I just wanted to say that I love you, I respect you, there's nobody I respect more. You do a fantastic job and we're going to start winning again, and you're going to be leading the charge, so thank you all very much."

In a continuing sign of Trump's *Rashomon* effect—his speeches inspiring joy or horror—witnesses would describe his reception at the CIA as either a Beatles-like emotional outpouring or a response so confounded and appalled that, in the seconds after he finished, you could hear a pin drop.

4

BANNON

Steve Bannon was the first Trump senior staffer in the White House after Trump was sworn in. On the inauguration march, he had grabbed the newly appointed deputy chief of staff, Katie Walsh, Reince Priebus's deputy at the RNC, and together they had peeled off to inspect the now vacant West Wing. The carpet had been shampooed, but little else had changed. It was a warren of tiny offices in need of paint, not rigorously cleaned on a regular basis, the décor something like an admissions office at a public university. Bannon claimed the nondescript office across from the much grander chief of staff's suite, and he immediately requisitioned the white boards on which he intended to chart the first hundred days of the Trump administration. And right away he began moving furniture out. The point was to leave no room for anyone to sit. There were to be no meetings, at least no meetings where people could get comfortable. Limit discussion. Limit debate. This was war. This was a war room.

Many who had worked with Bannon on the campaign and through the transition shortly noticed a certain change. Having achieved one goal, he was clearly on to another. An intense man, he was suddenly at an even higher level of focus and determination.

"What's up with Steve?" Kushner began to ask. And then, "Is something wrong with Steve?" And then finally, "I don't understand. We were so close."

Within the first week, Bannon seemed to have put away the camaraderie of Trump Tower—including a willingness to talk at length at any hour—and become far more remote, if not unreachable. He was "focused on my shit." He was just getting things done. But many felt that getting things done was was more about him hatching plots against them. And certainly, among his basic character notes, Steve Bannon was a plotter. Strike before being struck. Anticipate the moves of others—counter them before they can make their moves. To him this was seeing things ahead, focusing on a set of goals. The first goal was the election of Donald Trump, the second the staffing of the Trump government. Now it was capturing the soul of the Trump White House, and he understood what others did not yet: this would be a mortal competition.

* * *

In the early days of the transition, Bannon had encouraged the Trump team to read David Halberstam's *The Best and the Brightest*. (One of the few people who seem actually to have taken him up on this reading assignment was Jared Kushner.) "A very moving experience reading this book. It makes the world clear, amazing characters and all true," Bannon enthused.

This was a personal bit of branding—Bannon made sure to exhibit the book to many of the liberal reporters he was courting. But he was also trying to make a point, an important one considering the slapdash nature of the transition team's staffing protocols: be careful who you hire.

Halberstam's book, published in 1972, is a Tolstoyan effort to understand how great figures of the academic, intellectual, and military world who had served during the Kennedy and Johnson years had so grievously misapprehended the nature of the Vietnam War and mishandled its prosecution. *The Best and the Brightest* was a cautionary tale about the 1960s establishment—the precursor of the establishment that Trump and Bannon were now so aggressively challenging.

But the book also served as a reverential guide to the establishment. For the 1970s generation of future policy experts, would-be world leaders, and Ivy League journalists aiming for big-time careers—though it was Bannon's generation, he was far outside this self-selected elite circle—*The Best and the Brightest* was a handbook about the characteristics of American power and the routes to it. Not just the right schools and right backgrounds, although that, too, but the attitudes, conceits, affect, and language that would be most conducive to finding your way into the American power structure. Many saw the book as a set of prescriptions about how to get ahead, rather than, as intended, what not to do when you are ahead. *The Best and the Brightest* described the people who should be in power. A college-age Barack Obama was smitten with the book, as was Rhodes Scholar Bill Clinton.

Halberstam's book defined the look and feel of White House power. His language, resonant and imposing and, often, boffo pompous, had set the tone for the next half century of official presidential journalism. Even scandalous or unsuccessful tenants of the White House were treated as unique figures who had risen to the greatest heights after mastering a Darwinian political process. Bob Woodward, who helped bring Nixon down —and who himself became a figure of unchallengeable presidential mythmaking—wrote a long shelf of books in which even the most misguided presidential actions seemed part of an epochal march of ultimate responsibility and life-and-death decision making. Only the most hardhearted reader would not entertain a daydream in which he or she was not part of this awesome pageant.

Steve Bannon was such a daydreamer.

* * *

But if Halberstam defined the presidential mien, Trump defied it—and defiled it. Not a single attribute would place him credibly in the revered circle of American presidential character and power. Which was, in a curious reversal of the book's premise, just what created Steve Bannon's opportunity.

The less likely a presidential candidate is, the more unlikely, and, often, inexperienced, his aides are—that is, an unlikely candidate can attract only unlikely aides, as the likely ones go to the more likely candidates. When an unlikely candidate wins—and as outsiders become ever more the quadrennial flavor of the month, the more likely an unlikely candidate is to get elected—ever more peculiar people fill the White House. Of course, a point about the Halberstam book and about the Trump campaign was that the most obvious players make grievous mistakes, too. Hence, in the Trump narrative, unlikely players far outside the establishment hold the true genius.

Still, few have been more unlikely than Steve Bannon.

At sixty-three, Bannon took his first formal job in politics when he joined the Trump campaign. Chief Strategist—his title in the new administration—was his first job not just in the federal government but in the public sector. (*"Strategist!"* scoffed Roger Stone, who, before Bannon, had been one of Trump's chief strategists.) Other than Trump himself, Bannon was certainly the oldest inexperienced person ever to work in the White House.

It was a flaky career that got him here.

Catholic school in Richmond, Virginia. Then a local college, Virginia Tech. Then seven years in the Navy, a lieutenant on ship duty and then in the Pentagon. While on active duty, he got a master's degree at Georgetown's School of Foreign Service, but then he washed out of his naval career. Then an MBA from Harvard Business School. Then four years as an investment banker at Goldman Sachs—his final two years focusing on the media industry in Los Angeles—but not rising above a midlevel position.

In 1990, at the age of thirty-seven, Bannon entered peripatetic entre-preneurhood under the auspices of Bannon & Co., a financial advisory firm to the entertainment industry. This was something of a hustler's shell company, hanging out a shingle in an industry with a small center of success and concentric rings radiating out of rising, aspiring, falling, and failing strivers. Bannon & Co., skirting falling and failing, made it to aspiring by raising small amounts of money for independent film projects—none a hit.

Bannon was rather a movie figure himself. A type. Alcohol. Bad marriages. Cash-strapped in a business where the measure of success is excesses of riches. Ever scheming. Ever disappointed.

For a man with a strong sense of his own destiny, he tended to be hardly noticed. Jon

Corzine, the former Goldman chief and future United States senator and governor of New Jersey, climbing the Goldman ranks when Bannon was at the firm, was unaware of Bannon. When Bannon was appointed head of the Trump campaign and became an overnight press sensation—or question mark—his credentials suddenly included a convoluted story about how Bannon & Co. had acquired a stake in the megahit show *Seinfeld* and hence its twenty-year run of residual profits. But none of the Seinfeld principals, creators, or producers seem ever to have heard of him.

Mike Murphy, the Republican media consultant who ran Jeb Bush's PAC and became a leading anti-Trump movement figure, has the vaguest recollection of Bannon's seeking PR services from Murphy's firm for a film Bannon was producing a decade or so ago. "I'm told he was in the meeting, but I honestly can't get a picture of him."

The *New Yorker* magazine, dwelling on the Bannon enigma—one that basically translated to: How is it that the media has been almost wholly unaware of someone who is suddenly among the most powerful people in government?—tried to trace his steps in Hollywood and largely failed to find him. The *Washington Post* traced his many addresses to no clear conclusion, except a suggestion of possible misdemeanor voter fraud.

In the midnineties, he inserted himself in a significant role into Biosphere 2, a project copiously funded by Edward Bass, one of the Bass family oil heirs, about sustaining life in space, and dubbed by *Time* one of the hundred worst ideas of the century—a rich man's folly. Bannon, having to find his opportunities in distress situations, stepped into the project amid its collapse only to provoke further breakdown and litigation, including harassment and vandalism charges.

After the Biosphere 2 disaster, he participated in raising financing for a virtual currency scheme (MMORPGs, or MMOs) called Internet Gaming Entertainment (IGE). This was a successor company to Digital Entertainment Network (DEN), a dot-com burnout, whose principals included the former child star Brock Pierce (*The Mighty Ducks*) who went on to be the founder of IGE, but was then pushed out. Bannon was put in as CEO, and the company was subsumed by endless litigation.

Distress is an opportunistic business play. But some distress is better than others. The kinds of situations available to Bannon involved managing conflict, nastiness, and relative hopelessness—in essence managing and taking a small profit on dwindling cash. It's a living at the margins of people who are making a much better living. Bannon kept trying to make a killing but never found the killing sweet spot.

Distress is also a contrarian's game. And the contrarian's impulse—equal parts personal dissatisfaction, general resentment, and gambler's instinct—started to ever more strongly fuel Bannon. Part of the background for his contrarian impulse lay in an Irish Catholic union family, Catholic schools, and three unhappy marriages and bad divorces (journalists would make much of the recriminations in his second wife's divorce filings).

Not so long ago, Bannon might have been a recognizably modern figure, something of a romantic antihero, an ex-military and up-from-the-working-class guy, striving, through multiple marriages and various careers, to make it, but never finding much comfort in the establishment world, wanting to be part of it and wanting to blow it up at the same time—a character for Richard Ford, or John Updike, or Harry Crews. An American man's story. But now such stories have crossed a political line. The American man story is a right-wing story. Bannon found his models in political infighters like Lee Atwater, Roger Ailes, Karl Rove. All were larger-than-life American characters doing battle with conformity and modernity, relishing ways to violate liberal sensibilities.

The other point is that Bannon, however smart and even charismatic, however much he extolled the virtue of being a "stand-up guy," was not necessarily a nice guy. Several decades as a grasping entrepreneur without a satisfying success story doesn't smooth the hustle in hustler. One competitor in the conservative media business, while acknowledging his intelligence and the ambitiousness of his ideas, also noted, "He's mean, dishonest, and incapable of caring about other people. His eyes dart around like he's always looking for a weapon with which to bludgeon or gouge you."

Conservative media fit not only his angry, contrarian, and Roman Catholic side, but it had low barriers to entry—liberal media, by contrast, with its corporate hierarchies, was much harder to break into. What's more, conservative media is a highly lucrative target market category, with books (often dominating the bestseller lists), videos, and other products available through direct sales avenues that can circumvent more expensive distribution channels.

In the early 2000s, Bannon became a purveyor of conservative books products and media. His partner in this enterprise was David Bossie, the far-right pamphleteer and congressional committee investigator into the Clintons' Whitewater affair, who would join him as deputy campaign manager on the Trump campaign. Bannon met Breitbart News founder Andrew Breitbart at a screening of one of the Bannon-Bossie documentaries *In the Face of Evil* (billed as "Ronald Reagan's crusade to destroy the most tyrannical and depraved political systems the world has ever known"), which in turn led to a relationship with the man who offered Bannon the ultimate opportunity: Robert Mercer.

* * *

In this regard, Bannon was not so much an entrepreneur of vision or even business discipline, he was more simply following the money—or trying to separate a fool from his money. He could not have done better than Bob and Rebekah Mercer. Bannon focused his entrepreneurial talents on becoming courtier, Svengali, and political investment adviser to father and daughter.

Theirs was a consciously quixotic mission. They would devote vast sums—albeit still just a small part of Bob Mercer's many billions—to trying to build a radical free-market,

small-government, home-schooling, antiliberal, gold-standard, pro-death-penalty, anti-Muslim, pro-Christian, monetarist, anti-civil-rights political movement in the United States.

Bob Mercer is an ultimate quant, an engineer who designs investment algorithms and became a co-CEO of one of the most successful hedge funds, Renaissance Technologies. With his daughter, Rebekah, Mercer set up what is in effect a private Tea Party movement, self-funding whatever Tea Party or alt-right project took their fancy. Bob Mercer is almost nonverbal, looking at you with a dead stare and either not talking or offering only minimal response. He had a Steinway baby grand on his yacht; after inviting friends and colleagues on the boat, he would spend the time playing the piano, wholly disengaged from his guests. And yet his political beliefs, to the extent they could be discerned, were generally Bush-like, and his political discussions, to the extent that you could get him to be responsive, were about issues involving ground game and data gathering. It was Rebekah Mercer—who had bonded with Bannon, and whose politics were grim, unyielding, and doctrinaire—who defined the family. "She's … like whoa, ideologically there is no conversation with her," said one senior Trump White House staffer.

With the death of Andrew Breitbart in 2012, Bannon, in essence holding the proxy of the Mercers' investment in the site, took over the Breitbart business. He leveraged his gaming experience into using Gamergate—a precursor alt-right movement that coalesced around an antipathy toward, and harassment of, women working in the online gaming industry—to build vast amounts of traffic through the virality of political memes. (After hours one night in the White House, Bannon would argue that he knew exactly how to build a Breitbart for the left. And he would have the key advantage because "people on the left want to win Pulitzers, whereas I want to *be* Pulitzer!")

Working out of—and living in—the town house Breitbart rented on Capitol Hill, Bannon became one of the growing number of notable Tea Party figures in Washington, the Mercers' consigliere. But a seeming measure of his marginality was that his big project was the career of Jeff Sessions—"Beauregard," Sessions's middle name, in Bannon's affectionate moniker and evocation of the Confederate general—among the least mainstream and most peculiar people in the Senate, whom Bannon tried to promote to run for president in 2012.

Donald Trump was a step up—and early in the 2016 race, Trump became the Breitbart totem. (Many of Trump's positions in the campaign were taken from the Breitbart articles he had printed out for him.) Indeed, Bannon began to suggest to people that he, like Ailes had been at Fox, was the true force behind his chosen candidate.

Bannon didn't much question Donald Trump's bona fides, or behavior, or electability, because, in part, Trump was just his latest rich man. The rich man is a fixed fact, which you have to accept and deal with in an entrepreneurial world—at least a lower-level entrepreneurial world. And, of course, if Trump had had firmer bona fides, better behavior,

and clear electability, Bannon would not have had his chance.

However much a marginal, invisible, small-time hustler Bannon had been—something of an Elmore Leonard character—he was suddenly transformed inside Trump Tower, an office he entered on August 15, and for practical purposes, did not exit, save for a few hours a night (and not every night) in his temporary midtown Manhattan accommodations, until January 17, when the transition team moved to Washington. There was no competition in Trump Tower for being the brains of the operation. Of the dominant figures in the transition, neither Kushner, Priebus, nor Conway, and certainly not the president-elect, had the ability to express any kind of coherent perception or narrative. By default, everybody had to look to the voluble, aphoristic, shambolic, witty, off-the-cuff figure who was both ever present on the premises and who had, in an unlikely attribute, read a book or two.

And indeed who, during the campaign, turned out to be able to harness the Trump operation, not to mention its philosophic disarray, to a single political view: that the path to victory was an economic and cultural message to the white working class in Florida, Ohio, Michigan, and Pennsylvania.

* * *

Bannon collected enemies. Few fueled his savagery and rancor toward the standard-issue Republican world as much as Rupert Murdoch—not least because Murdoch had Donald Trump's ear. It was one of the key elements of Bannon's understanding of Trump: the last person Trump spoke to ended up with enormous influence. Trump would brag that Murdoch was always calling him; Murdoch, for his part, would complain that he couldn't get Trump off the phone.

"He doesn't know anything about American politics, and has no feel for the American people," said Bannon to Trump, always eager to point out that Murdoch wasn't an American. But Trump couldn't get enough of him. With his love of "winners"—and he saw Murdoch as the ultimate winner—Trump was suddenly bad-mouthing his friend Ailes as a "loser."

And yet in one regard Murdoch's message was useful to Bannon. Having known every president since Harry Truman—as Murdoch took frequent opportunities to point out—and, he conjectured, as many heads of state as anyone living, Murdoch believed he understood better than younger men, even seventy-year-old Trump, that political power was fleeting. (This was in fact the same message he had imparted to Barack Obama.) A president really had only, max, six months to make an impact on the public and set his agenda, and he'd be lucky to get six months. After that it was just putting out fires and battling the opposition.

This was the message whose urgency Bannon himself had been trying to impress on an often distracted Trump. Indeed, in his first weeks in the White House, an inattentive

Trump was already trying to curtail his schedule of meetings, limit his hours in the office, and keep his normal golf habits.

Bannon's strategic view of government was shock and awe. Dominate rather than negotiate. Having daydreamed his way into ultimate bureaucratic power, he did not want to see himself as a bureaucrat. He was of a higher purpose and moral order. He was an avenger. He was also, he believed, a straight shooter. There was a moral order in aligning language and action—if you said you were going to do something, you do it.

In his head, Bannon carried a set of decisive actions that would not just mark the new administration's opening days, but make it clear that nothing ever again would be the same. At the age of sixty-three, he was in a hurry.

* * *

Bannon had delved deeply into the nature of executive orders—EOs. You can't rule by decree in the United States, except you really can. The irony here was that it was the Obama administration, with a recalcitrant Republican Congress, that had pushed the EO envelope. Now, in something of a zero-sum game, Trump's EOs would undo Obama's EOs.

During the transition, Bannon and Stephen Miller, a former Sessions aide who had earlier joined the Trump campaign and then become Bannon's effective assistant and researcher, assembled a list of more than two hundred EOs to issue in the first hundred days.

But the first step in the new Trump administration had to be immigration, in Bannon's certain view. Foreigners were the ne plus ultra mania of Trumpism. An issue often dismissed as living on the one-track-mind fringe—Jeff Sessions was one of its cranky exponents—it was Trump's firm belief that a lot of people had had it up to here with foreigners. Before Trump, Bannon had bonded with Sessions on the issue. The Trump campaign became a sudden opportunity to see if nativism really had legs. And then when they won, Bannon understood there could be no hesitation about declaring their ethnocentric heart and soul.

To boot, it was an issue that made liberals bat-shit mad.

Laxly enforced immigration laws reached to the center of the new liberal philosophy and, for Bannon, exposed its hypocrisy. In the liberal worldview, diversity was an absolute good, whereas Bannon believed any reasonable person who was not wholly blinded by the liberal light could see that waves of immigrants came with a load of problems—just look at Europe. And these were problems borne not by cosseted liberals but by the more exposed citizens at the other end of the economic scale.

It was out of some instinctive or idiot-savant-like political understanding that Trump had made this issue his own, frequently observing, *Wasn't anybody an American*

anymore? In some of his earliest political outings, even before Obama's election in 2008, Trump talked with bewilderment and resentment about strict quotas on European immigration and the deluge from "Asia and other places." (This deluge, as liberals would be quick to fact-check, was, even as it had grown, still quite a modest stream.) His obsessive focus on Obama's birth certificate was in part about the scourge of non-European foreignness—a certain race-baiting. *Who were these people? Why were they here?*

The campaign sometimes shared a striking graphic. It showed a map of the country reflecting dominant immigration trends in each state from fifty years ago—here was a multitude of countries, many European. Today, the equivalent map showed that every state in the United States was now dominated by Mexican immigration. This was the daily reality of the American workingman, in Bannon's view, the ever growing presence of an alternative, discount workforce.

Bannon's entire political career, such as it was, had been in political media. It was also in Internet media—that is, media ruled by immediate response. The Breitbart formula was to so appall the liberals that the base was doubly satisfied, generating clicks in a ricochet of disgust and delight. You defined yourself by your enemy's reaction. Conflict was the media bait—hence, now, the political chum. The new politics was not the art of the compromise but the art of conflict.

The real goal was to expose the hypocrisy of the liberal view. Somehow, despite laws, rules, and customs, liberal globalists had pushed a myth of more or less open immigration. It was a double liberal hypocrisy, because, sotto voce, the Obama administration had been quite aggressive in deporting illegal aliens—except don't tell the liberals that.

"People want their countries back," said Bannon. "A simple thing."

* * *

Bannon meant his EO to strip away the liberal conceits on an already illiberal process. Rather than seeking to accomplish his goals with the least amount of upset—keeping liberal fig leaves in place—he sought the most.

Why would you? was the logical question of anyone who saw the higher function of government as avoiding conflict.

This included most people in office. The new appointees in place at the affected agencies and departments, among them Homeland Security and State—General John Kelly, then the director of Homeland Security, would carry a grudge about the disarray caused by the immigration EO—wanted nothing more than a moment to get their footing before they might even consider dramatic and contentious new policies. Old appointees—Obama appointees who still occupied most executive branch jobs—found it unfathomable that the new administration would go out of its way to take procedures that largely already existed and to restate them in incendiary, red-flag, and ad hominem terms, such that

liberals would have to oppose them.

Bannon's mission was to puncture the global-liberal-emperor-wears-no-clothes bubble, nowhere, in his view, as ludicrously demonstrated as the refusal to see the colossally difficult and costly effects of uncontrolled immigration. He wanted to force liberals to acknowledge that even liberal governments, even the Obama government, were engaged in the real politics of slowing immigration—ever hampered by the liberal refusal to acknowledge this effort.

The EO would be drafted to remorselessly express the administration's (or Bannon's) pitiless view. The problem was, Bannon really didn't know how to do this—change rules and laws. This limitation, Bannon understood, might easily be used to thwart them. Process was their enemy. But just doing it—the hell with how—and doing it immediately, could be a powerful countermeasure.

Just doing things became a Bannon principle, the sweeping antidote to bureaucratic and establishment ennui and resistance. It was the chaos of just doing things that actually got things done. Except, even if you assumed that not knowing how to do things didn't much matter if you just did them, it was still not clear who was going to do what you wanted to do. Or, a corollary, because nobody in the Trump administration really knew how to do anything, it was therefore not clear what anyone did.

Sean Spicer, whose job was literally to explain what people did and why, often simply could not—*because nobody really had a job, because nobody could do a job*.

Priebus, as chief of staff, had to organize meetings, schedules, and the hiring of staff; he also had to oversee the individual functions of the executive office departments. But Bannon, Kushner, Conway, and the president's daughter actually had no specific responsibilities—they could make it up as they went along. They did what they wanted. They would seize the day if they could—even if they really didn't know how to do what they wanted to do.

Bannon, for instance, even driven by his imperative just to get things done, did not use a computer. *How did he do anything?* Katie Walsh wondered. But that was the difference between big visions and small. Process was bunk. Expertise was the last refuge of liberals, ever defeated by the big picture. The will to get big things done was how big things got done. "Don't sweat the small stuff" was a pretty good gist of Donald Trump's—and Steve Bannon's—worldview. "Chaos was Steve's strategy," said Walsh.

Bannon got Stephen Miller to write the immigration EO. Miller, a fifty-five-year-old trapped in a thirty-two-year-old's body, was a former Jeff Sessions staffer brought on to the Trump campaign for his political experience. Except, other than being a dedicated far-right conservative, it was unclear what particular abilities accompanied Miller's political views. He was supposed to be a speechwriter, but if so, he seemed restricted to bullet points and unable to construct sentences. He was supposed to be a policy adviser but knew

little about policy. He was supposed to be the house intellectual but was purposely unread. He was supposed to be a communications specialist, but he antagonized almost everyone. Bannon, during the transition, sent him to the Internet to learn about and to try to draft the EO.

By the time he arrived in the White House, Bannon had his back-of-the-envelope executive order on immigration and his travel ban, a sweeping, Trumpian exclusion of most Muslims from the United States, only begrudgingly whittled down, in part at Priebus's urging, to what would shortly be perceived as merely draconian.

In the mania to seize the day, with an almost total lack of knowing how, the nutty inaugural crowd numbers and the wacky CIA speech were followed, without almost anybody in the federal government having seen it or even being aware of it, by an executive order overhauling U.S. immigration policy. Bypassing lawyers, regulators, and the agencies and personnel responsible for enforcing it, President Trump—with Bannon's low, intense voice behind him, offering a rush of complex information—signed what was put in front of him.

On Friday, January 27, the travel ban was signed and took immediate effect. The result was an emotional outpouring of horror and indignation from liberal media, terror in immigrant communities, tumultuous protests at major airports, confusion throughout the government, and, in the White House, an inundation of lectures, warnings, and opprobrium from friends and family. *What have you done? Do you know what you're doing? You have to undo this! You're finished before you even start! Who is in charge there?*

But Steve Bannon was satisfied. He could not have hoped to draw a more vivid line between the two Americas—Trump's and liberals'—and between his White House and the White House inhabited by those not yet ready to burn the place down.

Why did we do this on a Friday when it would hit the airports hardest and bring out the most protesters? almost the entire White House staff demanded to know.

"Errr … that's why," said Bannon. "So the snowflakes would show up at the airports and riot." That was the way to crush the liberals: make them crazy and drag them to the left.

5

JARVANKA

On the Sunday after the immigration order was issued, Joe Scarborough and his cohost on the MSNBC show *Morning Joe*, Mika Brzezinski, came for lunch at the White House.

Scarborough is a former Republican congressman from Pensacola, Florida, and Brzezinski is the daughter of Zbigniew Brzezinski, a high-ranking aide in the Johnson White House and Jimmy Carter's National Security Advisor. *Morning Joe* had gone on the air in 2007 and developed a following among New York political and media types. Trump was a longtime devotee.

Early in the 2016 campaign, with a change of leadership at NBC News, it seemed likely that the show, its ratings falling, would be canceled. But Scarborough and Brzezinski embraced their relationship with Trump and became one of the few media outlets not only with a positive outlook on him, but that seemed to know his thinking. Trump became a frequent call-in guest and the show a way to speak more or less directly to him.

It was the kind of relationship Trump dreamed of: media people who took him seriously, talked about him often, solicited his views, provided him with gossip, and retailed the gossip he offered them. The effect was to make them all insiders together, which was exactly where Trump wanted to be. Though he branded himself as a political outsider, actually finding himself on the outside wounded him.

Trump believed that the media, which he propelled (in the case of Scarborough and Brzezinski, helping them keep their jobs), owed him something, and the media, giving him vast amounts of free coverage, believed he owed them, with Scarborough and Brzezinski seeing themselves as something like semiofficial advisers, if not the political fixers who had put him in his job.

In August, they had had a public spat, resulting in Trump's tweet: "Some day, when things calm down, I'll tell the real story of @JoeNBC and his very insecure long-time girlfriend, @morningmika. Two clowns!" But Trump's spats often ended in a tacit

admission, however grudging, of mutual advantage, and in short order they were back on cordial terms again.

On their arrival at the White House, the ninth day of his presidency, Trump proudly showed them into the Oval Office and was momentarily deflated when Brzezinski said she had been there many times before with her father, beginning at age nine. Trump showed them some of the memorabilia and, eagerly, his new portrait of Andrew Jackson—the president whom Steve Bannon had made the totem figure of the new administration.

"So how do you think the first week has gone?" Trump asked the couple, in a buoyant mood, seeking flattery.

Scarborough, puzzled by Trump's jauntiness in the face of the protests spreading across the nation, demurred and then said, "Well, I love what you did with U.S. Steel and that you had the union guys come into the Oval Office." Trump had pledged to use U.S.-made steel in U.S. pipelines and, in a Trump touch, met at the White House with union representatives from building and sheet metal unions and then invited them back to the Oval Office—something Trump insisted Obama never did.

But Trump pressed his question, leaving Scarborough with the feeling that nobody had actually told Trump that he had had a very bad week. Bannon and Priebus, wandering in and out of the office, might actually have convinced him that the week had been a success, Scarborough thought.

Scarborough then ventured his opinion that the immigration order might have been handled better and that, all in all, it seemed like a rough period.

Trump, surprised, plunged into a long monologue about how well things had gone, telling Bannon and Priebus, with a gale of laughter, "Joe doesn't think we had a good week." And turning to Scarborough: "I could have invited Hannity!"

At lunch—fish, which Brzezinski doesn't eat—Jared and Ivanka joined the president and Scarborough and Brzezinski. Jared had become quite a Scarborough confidant and would continue to supply Scarborough with an inside view of the White House—that is, leaking to him. Scarborough subsequently became a defender of Kushner's White House position and view. But, for now, both son-in-law and daughter were subdued and deferential as Scarborough and Brzezinski chatted with the president, and the president—taking more of the air time as usual—held forth.

Trump continued to cast for positive impressions of his first week and Scarborough again reverted to his praise of Trump's handling of the steel union leadership. At which point, Jared interjected that reaching out to unions, a traditional Democratic constituency, was Bannon's doing, that this was "the Bannon way."

"Bannon?" said the president, jumping on his son-in-law. "That wasn't Bannon's idea. That was my idea. It's the Trump way, not the Bannon way."

Kushner, going concave, retreated from the discussion.

Trump, changing the topic, said to Scarborough and Brzezinski, "So what about you guys? What's going on?" He was referencing their not-so-secret secret relationship.

Scarborough and Brzezinski said it was all still complicated, and not public, officially, but it was good and everything was getting resolved.

"You guys should just get married," prodded Trump.

"I can marry you! I'm an Internet Unitarian minister," Kushner, otherwise an Orthodox Jew, said suddenly.

"What?" said the president. "What are you talking about? Why would they want *you* to marry them when *I* could marry them? When they could be married by the president! At Mar-a-Lago!"

* * *

Almost everybody advised Jared not to take the inside job. As a family member, he would command extraordinary influence from a position that no one could challenge. As an insider, a staffer, not only could his experience be challenged, but while the president himself might not yet be exposed, a family member on staff would be where enemies and critics might quite effectively start chipping from. Besides, inside Trump's West Wing, if you had a title—that is, other than son-in-law—people would surely want to take it from you.

Both Jared and Ivanka listened to this advice—from among others it came from Jared's brother, Josh, doubly making this case not only to protect his brother but also because of his antipathy to Trump—but both, balancing risk against reward, ignored it. Trump himself variously encouraged his son-in-law and his daughter in their new ambitions and, as their excitement mounted, tried to express his skepticism—while at the same time telling others that he was helpless to stop them.

For Jared and Ivanka, as really for everybody else in the new administration, quite including the president, this was a random and crazy turn of history such that how could you not seize it? It was a joint decision by the couple, and, in some sense, a joint job. Jared and Ivanka had made an earnest deal between themselves: if sometime in the future the time came, she'd be the one to run for president (or the first one of them to take the shot). The first woman president, Ivanka entertained, would not be Hillary Clinton, it would be Ivanka Trump.

Bannon, who had coined the Jarvanka conflation now in ever greater use, was horrified when the couple's deal was reported to him. "They didn't say that? Stop. Oh come on. They didn't actually say that? Please don't tell me that. Oh my god."

And the truth was that at least by then Ivanka would have more experience than almost

anybody else now serving in the White House. She and Jared, or Jared, but by inference she, too, were in effect the real chief of staff—or certainly as much a chief of staff as Priebus or Bannon, all of them reporting directly to the president. Or, even more to the organizational point, Jared and Ivanka had a wholly independent standing inside the West Wing. A super status. Even as Priebus and Bannon tried, however diplomatically, to remind the couple of staff procedures and propriety, they would in turn remind the West Wing leadership of their overriding First Family prerogatives. In addition, the president had immediately handed Jared the Middle East portfolio, making him one of the significant international players in the administration—indeed, in the world. In the first weeks, this brief extended out to virtually every other international issue, about which nothing in Kushner's previous background would have prepared him for.

Kushner's most cogent reason for entering the White House was "leverage," by which he meant proximity. Quite beyond the status of being inside the family circle, anyone who had proximity to the president had leverage, the more proximity the more leverage. Trump himself you could see as a sort of Delphic oracle, sitting in place and throwing out pronouncements which had to be interpreted. Or as an energetic child, and whomever could placate or distract him became his favorite. Or as the Sun God (which is effectively how he saw himself), the absolute center of attention, dispensing favor and delegating power, which could, at any moment, be withdrawn. The added dimension was that this Sun God had little calculation. His inspiration existed in the moment, hence all the more reason to be there with him in the moment. Bannon, for one, joined Trump for dinner every night, or at least made himself available—one bachelor there for the effective other bachelor. (Priebus would observe that in the beginning everyone would try to be part of these dinners, but within a few months, they had become a torturous duty to be avoided.)

Part of Jared and Ivanka's calculation about the relative power and influence of a formal job in the West Wing versus an outside advisory role was the knowledge that influencing Trump required you to be all in. From phone call to phone call—and his day, beyond organized meetings, was almost entirely phone calls—you could lose him. The subtleties here were immense, because while he was often most influenced by the last person he spoke to, he did not actually listen to anyone. So it was not so much the force of an individual argument or petition that moved him, but rather more just someone's presence, the connection of what was going through his mind—and although he was a person of many obsessions, much of what was on his mind had no fixed view—to whomever he was with and their views.

Ultimately Trump may not be that different in his fundamental solipsism from anyone of great wealth who has lived most of his life in a highly controlled environment. But one clear difference was that he had acquired almost no formal sort of social discipline—he could not even attempt to imitate decorum. He could not really converse, for instance, not in the sense of sharing information, or of a balanced back-and-forth conversation. He neither particularly listened to what was said to him, nor particularly considered what he

said in response (one reason he was so repetitive). Nor did he treat anyone with any sort of basic or reliable courtesy. If he wanted something, his focus might be sharp and attention lavish, but if someone wanted something from him, he tended to become irritable and quickly lost interest. He demanded you pay him attention, then decided you were weak for groveling. In a sense, he was like an instinctive, pampered, and hugely successful actor. Everybody was either a lackey who did his bidding or a high-ranking film functionary trying to coax out his attention and performance—and to do this without making him angry or petulant.

The payoff was his enthusiasm, quickness, spontaneity, and—if he departed for a moment from the nonstop focus on himself—an often incisive sense of the weaknesses of his opponents and a sense of their deepest desires. Politics was handicapped by incrementalism, of people knowing too much who were defeated by all the complexities and conflicting interests before they began. Trump, knowing little, might, Trumpers tried to believe, give a kooky new hope to the system.

Jared Kushner in quite a short period of time—rather less than a year—had crossed over from the standard Democratic view in which he was raised, to an acolyte of Trumpism, bewildering many friends and, as well, his own brother, whose insurance company, Oscar, funded with Kushner-family money, was destined to be dealt a blow by a repeal of Obamacare.

This seeming conversion was partly the result of Bannon's insistent and charismatic tutoring—a kind of real-life engagement with world-bending ideas that had escaped Kushner even at Harvard. And it was helped by his own resentments toward the liberal elites whom he had tried to court with his purchase of the *New York Observer*, an effort that had backfired terribly. And it was, once he ventured onto the campaign trail, about having to convince himself that close up to the absurd everything made sense—that Trumpism was a kind of unsentimental realpolitik that would show everybody in the end. But most of all, it was that they had won. And he was determined not to look a gift horse in the mouth. And, everything that was bad about Trumpism, he had convinced himself, he could help fix.

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As much as it might have surprised him—for many years, he had humored Trump more than embraced him—Kushner was in fact rather like his father-in-law. Jared's father, Charlie, bore an eerie resemblance to Donald's father, Fred. Both men dominated their children, and they did this so completely that their children, despite their demands, became devoted to them. In both instances, this was extreme stuff: belligerent, uncompromising, ruthless men creating long-suffering offspring who were driven to achieve their father's approval. (Trump's older brother, Freddy, failing in this effort, and, by many reports, gay, drank himself to death; he died in 1981 at age forty-three.) In business meetings, observers would be nonplussed that Charlie and Jared Kushner

invariably greeted each other with a kiss and that the adult Jared called his father Daddy.

Neither Donald nor Jared, no matter their domineering fathers, went into the world with humility. Insecurity was soothed by entitlement. Both out-of-towners who were eager to prove themselves or lay rightful claim in Manhattan (Kushner from New Jersey, Trump from Queens), they were largely seen as overweening, smug, and arrogant. Each cultivated a smooth affect, which could appear more comical than graceful. Neither, by choice nor awareness, could seem to escape his privilege. "Some people who are very privileged are aware of it and put it away; Kushner not only seemed in every gesture and word to emphasize his privilege, but also not to be aware of it," said one New York media executive who dealt with Kushner. Both men were never out of their circle of privilege. The main challenge they set for themselves was to enter further into the privileged circle. Social climbing was their work.

Jared's focus was often on older men. Rupert Murdoch spent a surprising amount of time with Jared, who sought advice from the older media mogul about the media business —which the young man was determined to break into. Kushner paid long court to Ronald Perelman, the billionaire financier and takeover artist, who later would host Jared and Ivanka in his private shul on Jewish high holy days. And, of course, Kushner wooed Trump himself, who became a fan of the young man and was uncharacteristically tolerant about his daughter's conversion to Orthodox Judaism when that became a necessary next step toward marriage. Likewise, Trump as a young man had carefully cultivated a set of older mentors, including Roy Cohn, the flamboyant lawyer and fixer who had served as right-hand man to the red-baiting Senator Joe McCarthy.

And then there was the harsh fact that the world of Manhattan and particular its living voice, the media, seemed to cruelly reject them. The media long ago turned on Donald Trump as a wannabe and lightweight, and wrote him off for that ultimate sin—anyway, the ultimate sin in media terms—of trying to curry favor with the media too much. His fame, such as it was, was actually reverse fame—he was famous for being infamous. It was joke fame.

To understand the media snub, and its many levels of irony, there is no better place to look than the *New York Observer*, the Manhattan media and society weekly that Kushner bought in 2006 for $10 million—by almost every estimate $10 million more than it was worth.

* * *

The *New York Observer* was, when it launched in 1987, a rich man's fancy, as much failed media often is. It was a bland weekly chronicle of the Upper East Side, New York's wealthiest neighborhood. Its conceit was to treat this neighborhood like a small town. But nobody took any notice. Its frustrated patron, Arthur Carter, who made his money in the first generation of Wall Street consolidations, was introduced to Graydon Carter (no

relation), who had started *Spy* magazine, a New York imitation of the British satirical publication *Private Eye. Spy* was part of a set of 1980s publications—*Manhattan, Inc*., a relaunched *Vanity Fair*, and *New York*— obsessed with the new rich and what seemed to be a transformational moment in New York. Trump was both symbol of and punch line for this new era of excess and celebrity and the media's celebration of those things. Graydon Carter became the editor of the *New York Observer* in 1991 and not only refocused the weekly on big-money culture, but essentially made it a tip-sheet for the media writing about media culture, and for members of the big-money culture who wanted to be in the media. There may never have been such a self-conscious and self-referential publication as the *New York Observer*.

As Donald Trump, along with many others of this new-rich ilk, sought to be covered by the media—Murdoch's *New York Post* was the effective court recorder of this new publicity-hungry aristocracy—the *New York Observer* covered the process of him being covered. The story of Trump was the story of how he tried to make himself a story. He was shameless, campy, and instructive: if you were willing to risk humiliation, the world could be yours. Trump became the objective correlative for the rising appetite for fame and notoriety. Trump came to believe he understood everything about the media—who you need to know, what pretense you need to maintain, what information you could profitably trade, what lies you might tell, what lies the media expected you to tell. And the media came to believe it knew everything about Trump—his vanities, delusions, and lies, and the levels, uncharted, to which he would stoop for ever more media attention.

Graydon Carter soon used the *New York Observer* as his stepping-stone to *Vanity Fair* —where, he believed, he might have access to a higher level of celebrity than Donald Trump. Carter was followed at the *Observer* in 1994 by Peter Kaplan, an editor with a heightened sense of postmodern irony and ennui.

Trump, in Kaplan's telling, suddenly took on a new persona. Whereas he had before been the symbol of success and mocked for it, now he became, in a shift of zeitgeist (and of having to refinance a great deal of debt), a symbol of failure and mocked for it. This was a complicated reversal, not just having to do with Trump, but of how the media was now seeing itself. Donald Trump became a symbol of the media's own self-loathing: the interest in and promotion of Donald Trump was a morality tale about the media. Its ultimate end was Kaplan's pronouncement that Trump should not be covered anymore because every story about Donald Trump had become a cliché.

An important aspect of Kaplan's *New York Observer* and its self-conscious inside media baseball was that the paper became the prime school for a new generation of media reporters flooding every other publication in New York as journalism itself became ever more self-conscious and self-referential. To everyone working in media in New York, Donald Trump represented the ultimate shame of working in media in New York: you might have to write about Donald Trump. Not writing about him, or certainly not taking

him at face value, became a moral stand.

In 2006, after Kaplan had edited the paper for fifteen years, Arthur Carter sold the *Observer*—which had never made a profit—to the then twenty-five-year-old Kushner, an unknown real estate heir interested in gaining stature and notoriety in the city. Kaplan was now working for someone twenty-five years his junior, a man who, ironically, was just the kind of arriviste he would otherwise have covered.

For Kushner, owning the paper soon paid off, because, with infinite ironies not necessarily apparent to him, it allowed him into the social circle where he met Donald Trump's daughter, Ivanka, whom he married in 2009. But the paper did not, irksomely for Kushner, pay off financially, which put him into increasing tension with Kaplan. Kaplan, in turn, began telling witty and devastating tales about the pretensions and callowness of his new boss, which spread, in constant retelling, among his many media protégés and hence throughout the media itself.

In 2009, Kaplan left the paper, and Kushner—making a mistake that many rich men who have bought vanity media properties are prone to making—tried to find a profit by cutting costs. In short order, the media world came to regard Kushner as the man who not only took Peter Kaplan's paper from him, but also ruined it, brutally and incompetently. And worse: in 2013, Kaplan, at fifty-nine, died of cancer. So, effectively, in the telling, Kushner had killed him, too.

Media is personal. It is a series of blood scores. The media in its often collective mind decides who is going to rise and who is going to fall, who lives and who dies. If you stay around long enough in the media eye, your fate, like that of a banana republic despot, is often an unkind one—a law Hillary Clinton was not able to circumvent. The media has the last word.

Long before he ran for president, Trump and his sidekick son-in-law Kushner had been marked not just for ignominy, but for slow torture by ridicule, contempt, and ever-more amusing persiflage. These people are nothing. They are media debris. For goodness' sake!

Trump, in a smart move, picked up his media reputation and relocated it from a hypercritical New York to a more value-free Hollywood, becoming the star of his own reality show, *The Apprentice*, and embracing a theory that would serve him well during his presidential campaign: in flyover country, there is no greater asset than celebrity. To be famous is to be loved—or at least fawned over.

The fabulous, incomprehensible irony that the Trump family had, despite the media's distaste, despite everything the media knows and understands and has said about them, risen to a level not only of ultimate consequence but even of immortality is beyond worst-case nightmare and into cosmic-joke territory. In this infuriating circumstance, Trump and his son-in-law were united, always aware and yet never quite understanding why they should be the butt of a media joke, and now the target of its stunned outrage.

* * *

The fact that Trump and his son-in-law had many things in common did not mean they operated on a common playing field. Kushner, no matter how close to Trump, was yet a member of the Trump entourage, with no more ultimate control of his father-in-law than anybody else now in the business of trying to control Trump.

Still, the difficulty of controlling him had been part of Kushner's self-justification or rationalization for stepping beyond his family role and taking a senior White House job: to exercise restraint on his father-in-law and even—a considerable stretch for the inexperienced young man—to help lend him some gravitas.

If Bannon was going to pursue as his first signature White House statement the travel ban, then Kushner was going to pursue as his first leadership mark a meeting with the Mexican president, whom his father-in-law had threatened and insulted throughout the campaign.

Kushner called up the ninety-three-year-old Kissinger for advice. This was both to flatter the old man and to be able to drop his name, but it was also actually for real advice. Trump had done nothing but cause problems for the Mexican president. To bring the Mexican president to the White House would be, despite Bannon's no-pivot policy from the campaign's harshness, a truly meaningful pivot for which Kushner would be able to claim credit (although don't call it a pivot). It was what Kushner believed he should be doing: quietly following behind the president and with added nuance and subtlety clarifying the president's real intentions, if not recasting them entirely.

The negotiation to bring Mexican president Enrique Peña Nieto to the White House had begun during the transition period. Kushner saw the chance to convert the issue of the wall into a bilateral agreement addressing immigration—hence a tour de force of Trumpian politics. The negotiations surrounding the visit reached their apogee on the Wednesday after the inaugural, with a high-level Mexican delegation—the first visit by any foreign leader to the Trump White House—meeting with Kushner and Reince Priebus. Kushner's message to his father-in-law that afternoon was that Peña Nieto had signed on to a White House meeting and planning for the visit could go forward.

The next day Trump tweeted: "The U.S. has a 60 billion dollar trade deficit with Mexico. It has been a one-sided deal from the beginning of NAFTA with massive numbers …" And he continued in the next tweet … "of jobs and companies lost. If Mexico is unwilling to pay for the badly needed wall, then it would be better to cancel the upcoming meeting …"

At which point Peña Nieto did just that, leaving Kushner's negotiation and statecraft as so much scrap on the floor.

* * *

On Friday, February 3, at breakfast at the Four Seasons hotel in Georgetown, an epicenter of the swamp, Ivanka Trump, flustered, came down the stairs and entered the dining room, talking loudly on her cell phone: "Things are so messed up and I don't know how to fix it… ."

The week had been overwhelmed by continuing fallout from the immigration order—the administration was in court and headed to a brutal ruling against it—and more embarrassing leaks of two theoretically make-nice phone calls, one with the Mexican president ("bad hombres") and the other with the Australian prime minister ("my worst call by far"). What's more, the day before, Nordstrom had announced that it was dropping Ivanka Trump's clothing line.

The thirty-five-year-old was a harried figure, a businesswoman who had had to abruptly shift control of her business. She was also quite overwhelmed by the effort of having just moved her three children into a new house in a new city—and having to do this largely on her own. Asked how his children were adjusting to their new school several weeks after the move, Jared said that yes, they were indeed in school—but he could not immediately identify where.

Still, in another sense, Ivanka was landing on her feet. Breakfast at the Four Seasons was a natural place for her. She was among everyone who was anyone. In the restaurant that morning: House Minority Leader Nancy Pelosi; Blackstone CEO Stephen Schwarzman; Washington fixture, lobbyist, and Clinton confidant Vernon Jordan; labor secretary nominee Wilbur Ross; Bloomberg Media CEO Justin Smith; *Washington Post* national reporter Mark Berman; and a table full of women lobbyists and fixers, including the music industry's longtime representative in Washington, Hillary Rosen; Elon Musk's D.C. adviser, Juleanna Glover; Uber's political and policy executive, Niki Christoff; and Time Warner's political affairs executive, Carol Melton.

In some sense—putting aside both her father's presence in the White House and his tirades against draining the swamp, which might otherwise include most everyone here, this was the type of room Ivanka had worked hard to be in. Following the route of her father, she was crafting her name and herself into a multifaceted, multiproduct brand; she was also transitioning from her father's aspirational male golf and business types to aspirational female mom and business types. She had, well before her father's presidency could have remotely been predicted, sold a book, *Women Who Work: Rewriting the Rules for Success*, for $1 million.

In many ways, it had been an unexpected journey, requiring more discipline than you might expect from a contented, distracted, run-of-the-mill socialite. As a twenty-one-year-old, she appeared in a film made by her then boyfriend, Jamie Johnson, a Johnson & Johnson heir. It's a curious, even somewhat unsettling film, in which Johnson corrals his set of rich-kid friends into openly sharing their dissatisfactions, general lack of ambition, and contempt for their families. (One of his friends would engage in long litigation with

him over the portrayal.) Ivanka, speaking with something like a Valley Girl accent—which would transform in the years ahead into something like a Disney princess voice—seems no more ambitious or even employed than anyone else, but she is notably less angry with her parents.

She treated her father with some lightness, even irony, and in at least one television interview she made fun of his comb-over. She often described the mechanics behind it to friends: an absolutely clean pate—a contained island after scalp reduction surgery—surrounded by a furry circle of hair around the sides and front, from which all ends are drawn up to meet in the center and then swept back and secured by a stiffening spray. The color, she would point out to comical effect, was from a product called Just for Men—the longer it was left on, the darker it got. Impatience resulted in Trump's orange-blond hair color.

Father and daughter got along almost peculiarly well. She was the real mini-Trump (a title that many people now seemed to aspire to). She accepted him. She was a helper not just in his business dealings, but in his marital realignments. She facilitated entrances and exits. If you have a douchebag dad, and if everyone is open about it, then maybe it becomes fun and life a romantic comedy—sort of.

Reasonably, she ought to be much angrier. She grew up not just in the middle of a troubled family but in one that was at all times immersed in bad press. But she was able to bifurcate reality and live only in the uppermost part of it, where the Trump name, no matter how often tarnished, nevertheless had come to be an affectionately tolerated presence. She resided in a bubble of other wealthy people who thrived on their relationship with one another—at first among private school and Upper East Side of Manhattan friends, then among social, fashion, and media contacts. What's more, she tended to find protection as well as status in her boyfriends' families, aggressively bonding with a series of wealthy suitors' families—including Jamie Johnson's before the Kushners—over her own.

The Ivanka-Jared relationship was shepherded by Wendi Murdoch, herself a curious social example (to nobody so much as to her then husband, Rupert). The effort among a new generation of wealthy women was to recast life as a socialite, turning a certain model of whimsy and noblesse oblige into a new status as a power woman, a kind of postfeminist socialite. In this, you worked at knowing other rich people, the best rich people, and of being an integral and valuable part of a network of the rich, and of having your name itself evoke, well … riches. You weren't satisfied with what you had, you wanted more. This required quite a level of indefatigability. You were marketing a product—yourself. You were your own start-up.

This was what her father had always done. This, more than real estate, was the family business.

She and Kushner then united as a power couple, consciously recasting themselves as figures of ultimate attainment, ambition, and satisfaction in the new global world and as representatives of a new eco-philanthropic-art sensibility. For Ivanka, this included her friendship with Wendi Murdoch and with Dasha Zhukova, the then wife of the Russian oligarch Roman Abramovich, a fixture in the international art world, and, just a few months before the election, attending a Deepak Chopra seminar on mediation with Kushner. She was searching for meaning—and finding it. This transformation was further expressed not just in ancillary clothing, jewelry, and footwear lines, as well as reality TV projects, but in a careful social media presence. She became a superbly coordinated everymom, who would, with her father's election, recast herself again, this time as royal family.

And yet, the larger truth was that Ivanka's relationship with her father was in no way a conventional family relationship. If it wasn't pure opportunism, it was certainly transactional. It was business. Building the brand, the presidential campaign, and now the White House—it was all business.

But what did Ivanka and Jared *really* think of their father and father-in-law? "There's great, great, great affection—you see it, you really do," replied Kellyanne Conway, somewhat avoiding the question.

"They're not fools," said Rupert Murdoch when asked the question.

"They understand him, I think truly," reflected Joe Scarborough. "And they appreciate his energy. But there's detachment." That is, Scarborough went on, they have tolerance but few illusions.

* * *

Ivanka's breakfast that Friday at the Four Seasons was with Dina Powell, the latest Goldman Sachs executive to join the White House.

In the days after the election, Ivanka and Jared had both met with a revolving door of lawyers and PR people, most of them, the couple found, leery of involvement, not least because the couple seemed less interested in bending to advice and more interested in shopping for the advice they wanted. In fact, much of the advice they were getting had the same message: surround yourself—*acquaint* yourselves—with figures of the greatest establishment credibility. In effect: you are amateurs, you need professionals.

One name that kept coming up was Powell's. A Republican operative who had gone on to high influence and compensation at Goldman Sachs, she was quite the opposite of anyone's notion of a Trump Republican. Her family emigrated from Egypt when she was a girl, and she is fluent in Arabic. She worked her way up through a series of stalwart Republicans, including Texas senator Kay Bailey Hutchison and House Speaker Dick Armey. In the Bush White House she served as chief of the personnel office and an assistant secretary of state for educational and cultural affairs. She went to Goldman in

2007 and became a partner in 2010, running its philanthropic outreach, the Goldman Sachs Foundation. Following a trend in the careers of many poiitical operatives, she had become, as well as an über networker, a corporate public affairs and PR-type adviser—someone who knew the right people in power and had a keen sensitivity to how other people's power can be used.

The table of women lobbyists and communications professionals in the Four Seasons that morning was certainly as interested in Powell, and her presence in the new administration, as they were in the president's daughter. If Ivanka Trump was a figure more of novelty than of seriousness, the fact that she had helped bring Powell into the White House and was now publicly conferring with her added a further dimension to the president's daughter. In a White House seeming to pursue a dead-set Trumpian way, this was a hint of an alternative course. In the assessment of the other fixers and PR women at the Four Seasons, this was a potential shadow White House—Trump's own family not assaulting the power structure but expressing an obvious enthusiasm for it.

Ivanka, after a long breakfast, made her way through the room. Between issuing snappish instructions on her phone, she bestowed warm greetings and accepted business cards.

6

At HQME

Within the first weeks of his presidency a theory emerged among Trump's friends that he was not acting presidential, or, really, in any way taking into account his new status or restraining his behavior—from early morning tweets, to his refusal to follow scripted remarks, to his self-pitying calls to friends, details of which were already making it into the press—because he hadn't taken the leap that others before him had taken. Most presidents arrived in the White House from more or less ordinary political life, and could not help but be awed and reminded of their transformed circumstances by their sudden elevation to a mansion with palacelike servants and security, a plane at constant readiness, and downstairs a retinue of courtiers and advisers. But this would not have been that different from Trump's former life in Trump Tower, which was more commodious and to his taste than the White House, with servants, security, courtiers, and advisers always on the premises and a plane at the ready. The big deal of being president was not so apparent to him.

But another theory of the case was exactly opposite: he was totally off-kilter here because everything in his orderly world had been thrown on its head. In this view, the seventy-year-old Trump was a creature of habit at a level few people without despotic control of their environment could ever imagine. He had lived in the same home, a vast space in Trump Tower, since shortly after the building was completed in 1983. Every morning since, he had made the same commute to his office a few floors down. His corner office was a time capsule from the 1980s, the same gold-lined mirrors, the same *Time* magazine covers fading on the wall; the only substantial change was the substitution of Joe Namath's football for Tom Brady's. Outside the doors to his office, everywhere he looked there were the same faces, the same retainers—servants, security, courtiers, the "yes people"—who had attended him basically always.

"Can you imagine how disruptive it would be if that's what you did every day and then suddenly you're in the White House?" marveled a longtime Trump friend, smiling broadly at this trick of fate, if not abrupt comeuppance.

Trump found the White House, an old building with only sporadic upkeep and

piecemeal renovations—as well as a famous roach and rodent problem—to be vexing and even a little scary. Friends who admired his skills as a hotelier wondered why he just didn't remake the place, but he seemed cowed by the weight of the watchful eyes on him.

Kellyanne Conway, whose family had remained in New Jersey, and who had anticipated that she could commute home when the president went back to New York, was surprised that New York and Trump Tower were suddenly stricken from his schedule. Conway thought that the president, in addition to being aware of the hostility in New York, was making a conscious effort to be "part of this great house." (But, acknowledging the difficulties inherent in his change of circumstances and of adapting to presidential lifestyle, she added, "How often will he go to Camp David?"—the Spartan, woodsy presidential retreat in Catoctin Mountain Park in Maryland—"How 'bout never.")

At the White House, he retreated to his own bedroom—the first time since the Kennedy White House that a presidential couple had maintained separate rooms (although Melania was spending scant time so far in the White House). In the first days he ordered two television screens in addition to the one already there, and a lock on the door, precipitating a brief standoff with the Secret Service, who insisted they have access to the room. He reprimanded the housekeeping staff for picking up his shirt from the floor: "If my shirt is on the floor, it's because I want it on the floor." Then he imposed a set of new rules: nobody touch anything, especially not his toothbrush. (He had a longtime fear of being poisoned, one reason why he liked to eat at McDonald's—nobody knew he was coming and the food was safely premade.) Also, he would let housekeeping know when he wanted his sheets done, and he would strip his own bed.

If he was not having his six-thirty dinner with Steve Bannon, then, more to his liking, he was in bed by that time with a cheeseburger, watching his three screens and making phone calls—the phone was his true contact point with the world—to a small group of friends, among them most frequently Tom Barrack, who charted his rising and falling levels of agitation through the evening and then compared notes with one another.

* * *

But after the rocky start, things started to look better—even, some argued, presidential.

On Tuesday, January 31, in an efficiently choreographed prime-time ceremony, an upbeat and confident President Trump announced the nomination of federal appellate judge Neil Gorsuch to the Supreme Court. Gorsuch was a perfect combination of impeccable conservative standing, admirable probity, and gold-standard legal and judicial credentials. The nomination not only delivered on Trump's promise to the base and to the conservative establishment, but it was a choice that seemed perfectly presidential.

Gorsuch's nomination was also a victory for a staff that had seen Trump, with this plum job and rich reward in his hand, waver again and again. Pleased by how the nomination was received, especially by how little fault the media could find with it,

Trump would shortly become a Gorsuch fan. But before settling on Gorsuch, he wondered why the job wasn't going to a friend and loyalist. In the Trump view, it was rather a waste to give the job to someone he didn't even know.

At various points in the process he had run through almost all his lawyer friends—all of them unlikely, if not peculiar, choices, and, in almost every case, political nonstarters. The one unlikely, peculiar, and nonstarter choice that he kept returning to was Rudy Giuliani.

Trump owed Giuliani; not that he was so terribly focused on his debts, but this was one that was certainly unpaid. Not only was Giuliani a longtime New York friend, but when few Republicans were offering Trump their support, and almost none with a national reputation, Giuliani was there for him—and in combative, fiery, and relentless fashion. This was particularly true during the hard days following Billy Bush: when virtually everybody, including the candidate himself, Bannon, Conway, and his children, believed the campaign would implode, Giuliani barely allowed himself a break from his nonstop, passionate, and unapologetic Trump defense.

Giuliani wanted to be the secretary of state, and Trump had in so many words offered him the job. The resistance to Giuliani from the Trump circle derived from the same reason Trump was inclined to give him the job—Giuliani had Trump's ear and wouldn't let go. The staff whispered about his health and stability. Even his full-on pussygate defense now started to seem like a liability. He was offered attorney general, Department of Homeland Security, and director of national intelligence, but he turned them all down, continuing to hold out for State. Or, in what staffers took to be the ultimate presumption, or grand triangulation, the Supreme Court. Since Trump could not put someone openly pro-choice on the court without both sundering his base and risking defeat of his nominee, then, of course, he'd *have* to give Giuliani State.

When this strategy failed—Rex Tillerson got the secretary of state job—that should have been the end of it, but Trump kept returning to the idea of putting Giuliani on the court. On February 8, during the confirmation process, Gorsuch took public exception to Trump's disparagement of the courts. Trump, in a moment of pique, decided to pull his nomination and, during conversations with his after-dinner callers, went back to discussing how he should have given the nod to Rudy. He was the only loyal guy. It was Bannon and Priebus who kept having to remind him, and to endlessly repeat, that in one of the campaign's few masterful pieces of issue-defusing politics, and perfect courtship of the conservative base, it had let the Federalist Society produce a list of candidates. The campaign had promised that the nominee would come from that list—and needless to say, Giuliani wasn't on it.

Gorsuch was it. And Trump would shortly not remember when he had ever wanted anyone but Gorsuch.

* * *

On February 3, the White House hosted a carefully orchestrated meeting of one of the newly organized business councils, the president's Strategic and Policy Forum. It was a group of highly placed CEOs and weighty business types brought together by Blackstone chief Stephen Schwarzman. The planning for the event—with a precise agenda, choreographed seating and introductions, and fancy handouts—was more due to Schwarzman than to the White House. But it ended up being the kind of event that Trump did very well at and very much enjoyed. Kellyanne Conway, often referencing the Schwarzman gathering, would soon begin a frequent theme of complaint, namely that these kinds of events—Trump sitting down with serious-minded people and looking for solutions to the nation's problems—were the soul of Trump's White House and the media was giving them scant coverage.

Hosting business advisory councils was a Kushner strategy. It was an enlightened business approach, distracting Trump from what Kushner viewed as the unenlightened right-wing agenda. To an increasingly scornful Bannon, its real purpose was to allow Kushner himself to consort with CEOs.

Schwarzman reflected what to many was a surprising and sudden business and Wall Street affinity for Trump. Although few major-company CEOs had publicly supported him —with many, if not all, big companies planning for a Hillary Clinton victory and already hiring Clinton-connected public policy teams and with a pervasive media belief that a Trump victory would assure a market tailspin—there was suddenly an overnight warming. An antiregulatory White House and the promise of tax reform outweighed the prospect of disruptive tweeting and other forms of Trump chaos; besides, the market had not stopped climbing since November 9, the day after the election. What's more, in one-on-one meetings, CEOs were reporting good vibes from Trump's effusive and artful flattery—and the sudden relief of not having to deal with what some knew to be relentless Clinton-team hondling (what can you do for us today and can we use your plan?).

On the other hand, while there was a warming C-suite feeling for Trump, there was also rising concern about the consumer side of many big brands. The Trump brand was suddenly the world's biggest brand—the new Apple, except the opposite, since it was universally disdained (at least among many of the consumers who most top brands sought to court).

Hence, on inaugural morning, the employees of Uber, the ride sharing company, whose then CEO Travis Kalanick had signed on to the Schwarzman council, woke up to find people chained to the doors of their San Francisco headquarters. The charge was that Uber and Kalanick were "collaborating"—with its whiff of Vichy—a much different status than a business looking to sober forums with the president as a way to influence the government. Indeed, the protesters who believed they were seeing the company's relationship with Trump in political terms were actually seeing this in conventional brand

terms and zooming in on the disconnect. Uber's customer base is strongly young, urban, and progressive, and therefore out of sync with the Trump base. Brand-conscious millennials saw this as beyond policy dickering and as part of an epic identity clash. The Trump White House stood less for government and the push-pull of competing interests and developing policies, and more, in a brand-savvy world, as a fixed and unpopular cultural symbol.

Uber's Kalanick resigned from the council. Disney CEO Bob Iger simply found that he was otherwise occupied on the occasion of the forum's first meeting.

But most of the people on the council—other than Elon Musk, the investor, inventor, and founder of Tesla (who would later resign)—were not from media or tech companies, with their liberal bent, but from old-line, when-America-was-great enterprises. They included Mary Barra, the CEO of General Motors; Ginni Rometty of IBM; Jack Welch, the former CEO of GE; Jim McNerney, the former CEO of Boeing; and Indra Nooyi of PepsiCo. If the new right had elected Trump, it was the older Fortune 100 executives who most pleased him.

Trump attended the meeting with his full retinue—the circle that seemed always to move with him in lockstep, including Bannon, Priebus, Kushner, Stephen Miller, and National Economic Council chief Gary Cohn—but conducted it entirely himself. Each of the people at the table, taking a point of interest, spoke for five minutes, with Trump then asking follow-up questions. Though Trump appeared not to have particularly, or at all, prepared for any of the subjects being discussed, he asked engaged and interested questions, pursuing things he wanted to know more about, making the meeting quite an easy back-and-forth. One of the CEOs observed that this seemed like the way Trump preferred to get information—talking about what he was interested in and getting other people to talk about his interests.

The meeting went on for two hours. In the White House view, this was Trump at his best. He was most at home around people he respected—and these were "the most respected people in the country," according to Trump—who seemed to respect him, too.

This became a staff goal—to create situations in which he was comfortable, to construct something of a bubble, to wall him off from a mean-spirited world. Indeed, they sought to carefully replicate this formula: Trump in the Oval or in a larger West Wing ceremonial room presiding in front of a receptive audience, with a photo opportunity. Trump was often his own stage manager at these events, directing people in and out of the picture.

* * *

The media has a careful if selective filter when it comes to portraying real life in the White House. The president and First Family are not, at least not usually, subjected to the sort of paparazzi pursuit that in celebrity media results in unflattering to embarrassing to mocking

photographs, or in endless speculation about their private lives. Even in the worst scandals, a businesslike suit-and-tie formality is still accorded the president. *Saturday Night Live* presidential skits are funny in part because they play on our belief that in reality, presidents are quite contained and buttoned-down figures, and their families, trotting not far behind, colorless and obedient. The joke on Nixon was that he was pitiably uptight—even at the height of Watergate, drinking heavily, he remained in his coat and tie, kneeling in prayer. Gerald Ford merely tripped coming off Air Force One, providing great hilarity in this break from formal presidential poise. Ronald Reagan, likely suffering the early effects of Alzheimer's, remained a carefully managed picture of calm and confidence. Bill Clinton, amid the greatest break in presidential decorum in modern history, was even so always portrayed as a man in control. George W. Bush, for all his disengagement, was allowed by the media to be presented as dramatically in charge. Barack Obama, perhaps to his disadvantage, was consistently presented as thoughtful, steady, and determined. This is partly a benefit of overweening image control, but it is also because the president is thought to be the ultimate executive—or because the national myth requires him to be.

That was actually the kind of image that Donald Trump had worked to project throughout most of his career. His is a 1950s businessman sort of ideal. He aspires to look like his father—or, anyway, not to displease his father. Except when he's in golf wear, it is hard to imagine him out of a suit and tie, because he almost never is. Personal dignity—that is, apparent uprightness and respectability—is one of his fixations. He is uncomfortable when the men around him are not wearing suit and ties. Formality and convention—before he became president, almost everybody without high celebrity or a billion dollars called him "Mr. Trump"—are a central part of his identity. Casualness is the enemy of pretense. And his pretense was that the Trump brand stood for power, wealth, arrival.

On the February 5, the *New York Times* published an inside-the-White-House story that had the president, two weeks into his term, stalking around in the late hours of the night in his bathrobe, unable to work the light switches. Trump fell apart. It was, the president not incorrectly saw, a way of portraying him as losing it, as Norma Desmond in the movie *Sunset Boulevard*, a faded or even senile star living in a fantasy world. (This was Bannon's interpretation of the *Times*'s image of Trump, which was quickly adopted by everyone in the White House.) And, of course, once again, it was a media thing—he was being treated in a way that no other president had ever been treated.

This was not incorrect. The *New York Times*, in its efforts to cover a presidency that it openly saw as aberrant, had added to its White House beat something of a new form of coverage. Along with highlighting White House announcements—separating the trivial from the significant—the paper would also highlight, often in front-page coverage, the sense of the absurd, the pitiable, and the all-too-human. These stories turned Trump into a figure of ridicule. The two White House reporters most consistently on this beat, Maggie

Haberman and Glenn Thrush, would become part of Trump's constant refrain about the media being out to get him. Thrush would even become a fixture in *Saturday Night Live* sketches that mocked the president, his children, his press secretary Sean Spicer, and his advisers Bannon and Conway.

The president, while often a fabulist in his depiction of the world, was quite a literalist when it came to how he saw himself. Hence he rebutted this picture of him as a half-demented or seriously addled midnight stalker in the White House by insisting that he didn't own a bathrobe.

"Do I seem like a bathrobe kind of guy, really?" he demanded, not humorously, of almost every person with whom he spoke over the next forty-eight hours. "Seriously, can you see me in a bathrobe?"

Who had leaked it? For Trump, the details of his personal life suddenly became a far greater matter of concern than all the other kinds of leaks.

The *New York Times* Washington bureau, itself quite literal and worried by the possible lack of an actual bathrobe, reverse-leaked that Bannon was the source of the story.

Bannon, who styled himself as a kind of black hole of silence, had also become a sort of official black-hole voice, everybody's Deep Throat. He was witty, intense, evocative, and bubbling over, his theoretical discretion ever giving way to a constant semipublic commentary on the pretensions and fatuousness and hopeless lack of seriousness of most everyone else in the White House. By the second week of the Trump presidency, everybody in the White House seemed to be maintaining their own list of likely leakers and doing their best to leak before being leaked about.

But another likely leak source about his angst in the White House was Trump himself. In his calls throughout the day and at night from his bed, he frequently spoke to people who had no reason to keep his confidences. He was a river of grievances—including about what a dump the White House was on close inspection—examples of which many recipients of his calls promptly spread throughout the ever attentive and merciless gossip world.

* * *

On February 6, Trump made one of his seething, self-pitying, and unsolicited phone calls without presumption of confidentiality to a passing New York media acquaintance. The call had no discernible point other than to express his bent-out-of-shape feelings about the relentless contempt of the media and the disloyalty of his staff.

The initial subject of his ire was the *New York Times* and its reporter Maggie Haberman, whom he called "a nut job." The *Times*'s Gail Collins, who had written a column unfavorably comparing Trump to Vice President Pence, was "a moron." But then, continuing under the rubric of media he hated, he veered to CNN and the deep disloyalty

of its chief, Jeff Zucker. Zucker, who as the head of NBC had commissioned *The Apprentice*, had been "made by Trump," Trump said of himself in the third person. And Trump had "personally" gotten Zucker his job at CNN. "Yes, yes, I did," said Trump.

He then repeated a story that he was obsessively telling almost everyone he spoke to. He'd gone to a dinner, he didn't remember when, where he had sat next to "a gentleman named Kent"—undoubtedly Phil Kent, a former CEO of Turner Broadcasting, the Time Warner division that oversaw CNN—"and he had a list of four names." Three of them Trump had never heard of, but he knew Jeff Zucker because of *The Apprentice*. "Zucker was number four on the list, so I talked him up to number one. I probably shouldn't have because Zucker is not that smart but I like to show I can do that sort of thing." But Zucker, "a very bad guy who has done terrible with the ratings," had turned around after Trump had gotten him the job and had said, well, it's "unbelievably disgusting." This was the Russian "dossier" and the "golden shower" story—the practice CNN had accused him of being party to in the Moscow hotel suite with assorted prostitutes.

Having dispensed with Zucker, the president of the United States went on to speculate on what was involved with a golden shower. And how this was all just part of a media campaign that would never succeed in driving him from the White House. Because they were sore losers and hated him for winning, they spread total lies, 100 percent made-up things, totally untrue, for instance, the cover that week of *Time* magazine—which, Trump reminded his listeners, he had been on more than anyone in history—that showed Steve Bannon, a good guy, saying he was the real president. "How much influence do you think Steve Bannon has over me?" Trump demanded and repeated the question, and then repeated the answer: "Zero! Zero!" And that went for his son-in-law, too, who had a lot to learn.

The media was not only hurting him, he said—he was not looking for any agreement or really even any response—but hurting his negotiating capabilities, which hurt the nation. And that went for *Saturday Night Live*, too, which might think it was very funny but was actually hurting everybody in the country. And while he understood that *SNL* was there to be mean to him, they were being very, very mean. It was "fake comedy." He had reviewed the treatment of all other presidents in the media and there was nothing like this ever, even of Nixon who was treated very unfairly. "Kellyanne, who is very fair, has this all documented. You can look at it."

The point is, he said, that that very day, he had saved $700 million a year in jobs that were going to Mexico but the media was talking about him in his bathrobe, which "I don't have because I've never worn a bathrobe. And would never wear one, because I'm not that kind of guy." And what the media was doing was undermining this very dignified house, and "dignity is so important." But Murdoch, "who had never called me, never once," was now calling all the time. So that should tell people something.

The call went on for twenty-six minutes.

7

RUSSIA

Even before there was reason to suspect Sally Yates, they suspected her. The transition report said Trump wouldn't like the fifty-six-year-old Atlanta-born University of Georgia career Justice Department lawyer slated to step up to acting attorney general. There was something about a particular kind of Obama person. Something about the way they walked and held themselves. *Superiority*. And about a certain kind of woman who would immediately rub Trump the wrong way—Obama women being a good tip-off, Hillary women another. Later this would be extended to "DOJ women."

Here was an elemental divide: between Trump and career government employees. He could understand politicians, but he was finding it hard to get a handle on these bureaucrat types, their temperament and motives. He couldn't grasp what they wanted. Why would they, or anyone, be a permanent government employee? "They max out at what? Two hundred grand? Tops," he said, expressing something like wonder.

Sally Yates could have been passed over for the acting AG spot—to serve in place while the attorney-general-designate, Jeff Sessions, waited for confirmation—and before long Trump would be furious about why she wasn't. But she was the sitting deputy and she'd been confirmed by the Senate, and the acting AG job needed someone with Senate confirmation. And even though she seemed to see herself as something of a prisoner held in hostile territory, Yates accepted the job.

Given this context, the curious information she presented to White House counsel Don McGahn during the administration's first week—this was before, in the second week, she refused to enforce the immigration order and was thereupon promptly fired—seemed not only unwelcome but suspect.

The newly confirmed National Security Advisor, Michael Flynn, had brushed off reports in the *Washington Post* about a conversation with Russian ambassador Sergey Kislyak. It was a simple meet and greet, he said. He assured the transition team—among others, Vice President-elect Pence—that there were no discussions of Obama administration sanctions against the Russians, an assurance Pence publicly repeated.

Yates now told the White House that Flynn's conversation with Kislyak had actually been captured as part of an "incidental collection" of authorized wiretaps. That is, a wiretap had presumably been authorized on the Russian ambassador by the secret Foreign Intelligence Surveillance Court and, incidentally, picked up Flynn.

The FISA court had achieved a moment of notoriety after the Edward Snowden revelations briefly made it a bête noire for liberals who were angry about privacy incursions. Now it was achieving another moment, but this time as the friend of liberals, who hoped to use these "incidental" wiretaps as a way to tie the Trump camp to a wide-ranging conspiracy with Russia.

In short order, McGahn, Priebus, and Bannon, each with prior doubts about Flynn's reliability and judgment—"a fuck-up," according to Bannon—conferred about the Yates message. Flynn was asked again about his call with Kislyak; he was also told that a recording might exist. Again he scoffed at any suggestion that this was a meaningful conversation about anything.

In one White House view, Yates's tattling was little more than "like she found out her girlfriend's husband flirted with somebody else and, standing on principle, had to tell on him."

Of more alarm to the White House was how, in an incidental collection wherein the names of American citizens are supposedly "masked"—with complicated procedures required to "unmask" them—had Yates so handily and conveniently picked up Flynn? Her report would also seem to confirm that the leak to the *Post* about these recordings came from the FBI, DOJ, or Obama White House sources—part of the growing river of leaks, with the *Times* and the *Post* the leakers' favored destinations.

The White House in its assessment of the Yates message ended up seeing this as less a problem with an always hard-to-handle Flynn than as a problem with Yates, even as a threat from her: the Justice Department, with its vast staff of career and Obama-inclined prosecutors, had ears on the Trump team.

* * *

"It's unfair," said Kellyanne Conway, sitting in her yet undecorated second-floor office while representing the president's hurt feelings. "It's obviously unfair. It's very unfair. They lost. They didn't win. This is so unfair. So POTUS just doesn't want to talk about it."

There was nobody in the White House who wanted to talk about—or even anyone who had been officially delegated to talk about—Russia, the story that, evident to most, even before they entered the White House, was certain to overwhelm the first year of the Trump administration at the very least. Nobody was prepared to deal with it.

"There's no reason to even talk about it," said Sean Spicer, sitting on the couch in his

office, firmly crossing his arms. "There's no reason to even talk about it," he said again, stubbornly.

For his part, the president did not use, though he might have, the word "Kafkaesque." He regarded the Russia story as senseless and inexplicable and having no basis in reality. They were just being sucked in.

They had survived scandal during the campaign—the Billy Bush weekend—which virtually no one in Trump's inner circle had thought they could survive, only to be hit by the Russia scandal. Compared to Pussy-gate, Russia seemed like the only-desperate-thing-left-gate. What seemed unfair now was that the issue still wasn't going away, and that, incomprehensibly, people took it seriously. When at best it was … nothing.

It was the media.

The White House had quickly become accustomed to media-led scandals, but they were also used to their passing. But now this one was, frustratingly, holding on.

If there was any single piece of proof not just of media bias but of the intention of the media to do anything it could to undermine this president, it was—in the view of the Trump circle—this, the Russia story, what the *Washington Post* termed "Russia's attack on our political system." ("So terribly, terribly unfair, with no proof of one vote changed," according to Conway.) It was insidious. It was, to them, although they didn't put it this way, similar to the kind of dark Clinton-like conspiracies that Republicans were more wont to accuse liberals of—Whitewater, Benghazi, Email-gate. That is, an obsessive narrative that leads to investigations, which lead to other investigations, and to more obsessive no-escape media coverage. This was modern politics: blood-sport conspiracies that were about trying to destroy people and careers.

When the comparison to Whitewater was made to Conway, she, rather proving the point about obsessions, immediately began to argue the particulars involving Webster Hubbell, a mostly forgotten figure in the Whitewater affair, and the culpability of the Rose Law Firm in Arkansas, where Hillary Clinton was a partner. Everybody believed their side's conspiracies, while utterly, and righteously, rejecting the conspiracies leveled at them. To call something a conspiracy was to dismiss it.

As for Bannon, who had himself promoted many conspiracies, he dismissed the Russia story in textbook fashion: "It's just a conspiracy theory." And, he added, the Trump team wasn't capable of conspiring about anything.

* * *

The Russia story was—just two weeks into the new presidency—a dividing line with each side viewing the other as pushing fake news.

The greater White House wholly believed that the story was an invented construct of weak if not preposterous narrative threads, with a mind-boggling thesis: *We fixed the*

election with the Russians, OMG! The anti-Trump world, and especially its media—that is, *the* media—believed that there was a high, if not overwhelming, likelihood that there was *something* significant there, and a decent chance that it could be brought home.

If the media, self-righteously, saw it as the Holy Grail and silver bullet of Trump destruction, and the Trump White House saw it, with quite some self-pity, as a desperate effort to concoct a scandal, there was also a range of smart money in the middle.

The congressional Democrats had everything to gain by insisting, Benghazi-like, that where there was smoke (even if they were desperately working the bellows) there was fire, and by using investigations as a forum to promote their minority opinion (and for members to promote themselves).

For Republicans in Congress, the investigations were a card to play against Trump's vengefulness and unpredictability. Defending him—or something less than defending him and, indeed, possibly pursuing him—offered Republicans a new source of leverage in their dealings with him.

The intelligence community—with its myriad separate fiefdoms as suspicious of Trump as of any incoming president in memory—would, at will, have the threat of drip-drip-drip leaks to protect its own interests.

The FBI and DOJ would evaluate the evidence—and the opportunity—through their own lenses of righteousness and careerism. ("The DOJ is filled with women prosecutors like Yates who hate him," said a Trump aide, with a curiously gender-biased view of the growing challenge.)

If all politics is a test of your opponent's strength, acumen, and forbearance, then this, regardless of the empirical facts, was quite a clever test, with many traps that many people might fall into. Indeed, in many ways the issue was not Russia but, in fact, strength, acumen, and forbearance, the qualities Trump seemed clearly to lack. The constant harping about a possible crime, even if there wasn't an actual crime—and no one was yet pointing to a specific act of criminal collusion, or in fact any other clear violation of the law—could force a cover-up which might then turn into a crime. Or turn up a perfect storm of stupidity and cupidity.

"They take everything I've ever said and exaggerate it," said the president in his first week in the White House during a late-night call. "It's all exaggerated. My exaggerations are exaggerated."

* * *

Franklin Foer, the Washington-based former editor of the *New Republic*, made an early case for a Trump-Putin conspiracy on July 4, 2016, in *Slate*. His piece reflected the incredulity that had suddenly possessed the media and political intelligentsia: Trump, the unserious candidate, had, however incomprehensibly, become a more or less serious one.

And somehow, because of his prior unseriousness, and his what-you-see-is-what-you-get nature, the braggart businessman, with his bankruptcies, casinos, and beauty pageants, had avoided serious vetting. For Trump students—which, over his thirty years of courting attention, many in the media had become—the New York real estate deals were dirty, the Atlantic City ventures were dirty, the Trump airline was dirty, Mar-a-Lago, the golf courses, and the hotels all dirty. No reasonable candidate could have survived a recounting of even one of these deals. But somehow a genial amount of corruption had been figured into the Trump candidacy—that, after all, was the platform he was running on. *I'll do for you what a tough businessman does for himself.*

To really see his corruption, you had to see it on a bigger stage. Foer was suggesting a fabulous one.

Assembling a detailed road map for a scandal that did not yet exist, Foer, without anything resembling smoking guns or even real evidence, pulled together in July virtually all of the circumstantial and thematic threads and many of the various characters that would play out over the next eighteen months. (Unbeknownst to the public or even most media or political insiders, Fusion GPS had by this point hired the former British spy Christopher Steele to investigate a connection between Trump and the Russian government.)

Putin was seeking a resurgence of Russian power and, as well, to block encroachments by the European Union and NATO. Trump's refusal to treat Putin as a semi-outlaw—not to mention what often seemed like a man crush on him—meant, ipso facto, that Trump was sanguine about a return of Russian power and might actually be promoting it.

Why? What could possibly be in it for an American politician to publicly embrace—sycophantically embrace—Vladimir Putin and to encourage what the West saw as Russian adventurism?

Theory 1: Trump was drawn to authoritarian strongmen. Foer recounted Trump's longtime fascination with Russia, including being duped by a Gorbachev look-alike who visited Trump Tower in the 1980s, and his many fulsome and unnecessary "odes to Putin." This suggested a lie-down-with-dogs-wake-up-with-fleas vulnerability: consorting with or looking favorably upon politicians whose power lies partly in their tolerance of corruption brings you closer to corruption. Likewise, Putin was drawn to populist strongmen in his own image: hence, Foer asked, "Why *wouldn't* the Russians offer him the same furtive assistance they've lavished on Le Pen, Berlusconi, and the rest?"

Theory 2: Trump was part of a less-than-blue-chip (much less) international business set, feeding off the rivers of dubious wealth that had been unleashed by all the efforts to move cash, much of it from Russia and China, out of political harm's way. Such money, or rumors of such money, became an explanation—still only a circumstantial one—in trying to assess all the Trump business dealings that largely remained hidden from view. (There

were two contradictory theories here: he had hidden these dealings because he didn't want to admit their paucity, or he had hidden them to mask their disreputableness.) Because Trump is less than creditworthy, Foer was among many who concluded that Trump needed to turn to other sources—more or less dirty money, or money with other sorts of strings attached. (One way the process can work is, roughly speaking, as follows: an oligarch makes an investment in a more or less legitimate third-party investment fund, which, quid pro quo, makes an investment in Trump.) And while Trump would categorically deny that he had any loans or investments from Russia, one would, of course, not have dirty money on one's books.

As a subset of this theory, Trump—never very scrupulous about vetting his people—surrounded himself with a variety of hustlers working their own deals, and, plausibly, aiding Trump's deals. Foer identified the following characters as part of a possible Russian conspiracy:

- Tevfik Arif, a former Rus sian official who ran the Bayrock Group, a middleman in Trump financings with an office in Trump Tower.
- Felix Sater (sometimes spelled Satter), a Russian-born immigrant to Brighton Beach in Brooklyn, who had previously served time in prison in connection with a fraud at a Mafia-run brokerage and who went to work for Bayrock and had a business card identifying him as senior adviser to Donald Trump. (When Sater's name later continued to surface, Trump assured Bannon he didn't know Sater at all.)
- Carter Page, a banker of uncertain portfolio who had spent time in Russia and billed himself as having advised the state-run oil company, Gazprom, and who showed up on a hastily assembled list of Trump foreign policy advisers and who, it would turn out, the FBI was closely monitoring in what it said was a Russian intelligence effort to turn him. (Trump would later deny ever meeting Page, and the FBI would say that it believed Russian intelligence had targeted Page in an effort to turn him.)
- Michael Flynn, the former head of the Defense Intelligence Agency—fired by Obama for unclear reasons—who had yet to emerge as Trump's key foreign policy counselor and future National Security Advisor, but who was accompanying him on many campaign trips and who earlier in the year had been paid a $45,000 speaking fee in Moscow and been photographed sitting at a dinner with Putin.
- Paul Manafort, whom, along with serving as Trump's campaign manager, Foer highlighted as a political operative and consultant who had generated substantial income advising Kremlin-backed Viktor Yanukovych, who successfully ran for the presidency of Ukraine in 2010, was later deposed in 2014, and had been in business with the Russian oligarch and Putin crony Oleg Deripaska.

More than a year later, each of these men would be part of the near-daily Russia-Trump news cycle.

Theory 3: The Holy Grail proposition was that Trump and the Russians—perhaps even Putin himself—had gotten together to hack the Democratic National Committee.

Theory 4: But then there was the those-that-know-him-best theory, some version of which most Trumpers would come to embrace. He was just star-fucking. He took his beauty pageant to Russia because he thought Putin was going to be his friend. But Putin couldn't have cared less, and in the end Trump found himself at the promised gala dinner seated on one side next to a guy who looked like he had never used a utensil and on the other side Jabba the Hutt in a golf shirt. In other words, Trump—however foolish his sucking-up might have been, and however suspicious it might look in hindsight—just wanted a little respect.

Theory 5: The Russians, holding damaging information about Trump, were blackmailing him. He was a Manchurian Candidate.

* * *

On January 6, 2017—nearly six months to the day after Foer's piece was published—the CIA, FBI, and NSA announced their joint conclusion that "Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election." From the Steele dossier, to the steady leaks from the U.S. intelligence community, to testimony and statements from the leadership of U.S. intelligence agencies, a firm consensus had emerged. There was a nefarious connection, perhaps an ongoing one, between Trump and his campaign and the Russian government.

Still, this could yet be seen as highly wishful thinking by Trump opponents. "The underlying premise of the case is that spies tell the truth," said the veteran intelligence community journalist Edward Jay Epstein. "Who knew?" And, indeed, the worry in the White House was not about collusion—which seemed implausible if not farcical—but what, if the unraveling began, would likely lead to the messy Trump (and Kushner) business dealings. On this subject every member of the senior staff shrugged helplessly, covering eyes, ears, and mouth.

This was the peculiar and haunting consensus—not that Trump was guilty of all that he was accused of, but that he was guilty of so much else. It was all too possible that the hardly plausible would lead to the totally credible.

* * *

On February 13, twenty-four days into the new administration, National Security Advisor Michael Flynn became the first actual link between Russia and the White House.

Flynn had really only one supporter in the Trump administration, and that was the president himself. They were best friends during the campaign—buddy movie stuff. Post-inauguration, this translated into a total-access relationship. On Flynn's part, it led to a set of misapprehensions that was common inside Trump's circle: that the president's personal

endorsement indicated your status in the White House and that Trump's level of flattery was a convincing indication that you had an unbreakable bond with him and that you were, in his eyes, and in his White House, something close to omnipotent. Trump, with his love of generals, *had* even for a moment wanted to make Michael Flynn his vice president.

Intoxicated by Trump's flattery during the campaign, Flynn—a lower-tier general and quite a flaky one at that—had become something of a Trump dancing monkey. When former generals make alliances with political candidates, they customarily position themselves as providers of expertise and figures of a special maturity. But Flynn had become quite a maniacal partisan, part of the Trump traveling road show, one of the ranters and ravers opening Trump rallies. This all-in enthusiasm and loyalty had helped win him access to Trump's ear, into which he poured his anti-intelligence-community theories.

During the early part of the transition, when Bannon and Kushner had seemed joined at the hip, this was part of their bond: an effort to disintermediate Flynn and his often problematic message. A subtext in the White House estimation of Flynn, slyly insinuated by Bannon, was that Defense Secretary Mattis was a four-star general and Flynn but a three-star.

"I like Flynn, he reminds me of my uncles," said Bannon. "But that's the problem: he reminds me of my uncles."

Bannon used the general odor that had more and more attached to Flynn among everybody except the president to help secure a seat for himself on the National Security Council. This was, for many in the national security community, a signal moment in the effort by the nationalist right wing to seize power. But Bannon's presence on the council was just as much driven by the need to babysit the impetuous Flynn, prone to antagonizing almost everyone else in the national security community. (Flynn was "a colonel in a general's uniform," according to one senior intelligence figure.)

Flynn, like everyone around Trump, was besotted by the otherworldly sense of opportunity that came with, against all odds, being in the White House. And inevitably, he had been made more grandiose by it.

In 2014, Flynn had been roughly cashiered out of government, for which he blamed his many enemies in the CIA. But he had energetically set himself up in business, joining the ranks of former government officials profiting off the ever growing globalist corporate-financial-government policy and business networks. Then, after flirting with several other Republican presidential candidates, he bonded with Trump. Both Flynn and Trump were antiglobalists—or, anyway, they believed the United States was getting screwed in global transactions. Still, money was money, and Flynn, who, when he retired, had been receiving a few hundred thousand a year on his general's pension, was not turning any of it down. Various friends and advisers—including Michael Ledeen, a longtime anti-Iran

and anti-CIA crony, and the coauthor of Flynn's book, whose daughter now worked for Flynn—advised Flynn that he ought not to accept fees from Russia or the larger "consulting" assignments from Turkey.

It was in fact the sort of carelessness that almost everyone in Trump's world, including the president and his family, was guilty of. They lived with parallel realities in which, while proceeding with a presidential campaign, they also had to live in a vastly more likely world—rather a certain world—in which Donald Trump would never be president. Hence, business as usual.

In early February, an Obama administration lawyer friendly with Sally Yates remarked with some relish and considerable accuracy: "It certainly is an odd circumstance if you live your life without regard for being elected and then get elected—and quite an opportunity for your enemies."

In this, there was not only the Russian cloud hanging over the administration, but a sense that the intelligence community so distrusted Flynn, and so blamed its bad blood with Trump on him, that Flynn was the target here. Within the White House there was even a feeling that a soft trade was being implicitly offered: Flynn for the goodwill of the intelligence community.

At the same time, in what some thought a direct result of the president's rage over the Russia insinuations—particularly the insinuation about the golden shower—the president seemed to bond even more strongly with Flynn, assuring his National Security Advisor over and over again that he had his back, that the Russia accusations, those related both to Flynn and to himself, were "garbage." After Flynn's dismissal, a narrative describing Trump's increasing doubts about his adviser would be offered to the press, but in fact the opposite was true: the more doubts gathered around Flynn, the more certain the president became that Flynn was his all-important ally.

* * *

The final or deadliest leak during Michael Flynn's brief tenure is as likely to have come from the National Security Advisor's antagonists inside the White House as from the Justice Department.

On Wednesday, February 8, the *Washington Post*'s Karen DeYoung came to visit Flynn for what was billed as an off-the-record interview. They met not in his office but in the most ornate room in the Eisenhower Executive Office Building—the same room where Japanese diplomats waited to meet with Secretary of State Cordell Hull as he learned of the attack on Pearl Harbor.

To all outward appearances, it was an uneventful background interview, and DeYoung, Columbo-like in her affect, aroused no suspicions when she broached the de rigueur question: "My colleagues asked me to ask you this: Did you talk to the Russians about sanctions?"

Flynn declared that he had had no such conversations, absolutely no conversation, he confirmed again, and the interview, attended by senior National Security Council official and spokesman Michael Anton, ended soon thereafter.

But later that day, DeYoung called Anton and asked if she could use Flynn's denial on the record. Anton said he saw no problem—after all, the White House wanted Flynn's denial to be clear—and notified Flynn.

A few hours later, Flynn called Anton back with some worries about the statement. Anton applied an obvious test: "If you knew that there might be a tape of this conversation that could surface, would you still be a hundred percent sure?"

Flynn equivocated, and Anton, suddenly concerned, advised him that if he couldn't be sure they ought to "walk it back."

The *Post* piece, which appeared the next day under three other bylines—indicating that DeYoung's interview was hardly the point of the story—contained new leaked details of the Kislyak phone call, which the *Post* now said had indeed dealt with the issue of sanctions. The article also contained Flynn's denial—"he twice said 'no' "—as well as his walk-back: "On Thursday, Flynn, through his spokesman, backed away from the denial. The spokesman said Flynn 'indicated that while he had no recollection of discussing sanctions, he couldn't be certain that the topic never came up.' "

After the *Post* story, Priebus and Bannon questioned Flynn again. Flynn professed not to remember what he had said; if the subject of sanctions came up, he told them, it was at most glossed over. Curiously, no one seemed to have actually heard the conversation with Kislyak or seen a transcript.

Meanwhile, the vice president's people, caught unaware by the sudden Flynn controversy, were taking particular umbrage, less about Flynn's possible misrepresentations than about the fact that they had been kept out of the loop. But the president was undisturbed—or, in one version, "aggressively defensive"—and, while the greater White House looked on askance, Trump chose to take Flynn with him to Mar-a-Lago for his scheduled weekend with Shinzo Abe, the Japanese prime minister.

That Saturday night, in a bizarre spectacle, the Mar-a-Lago terrace became a public Situation Room when President Trump and Prime Minister Abe openly discussed how to respond to North Korea's launch of a missile three hundred miles into the Sea of Japan. Standing right over the president's shoulder was Michael Flynn. If Bannon, Priebus, and Kushner believed that Flynn's fate hung in the balance, the president seemed to have no such doubts.

For the senior White House staff, the underlying concern was less about getting rid of Flynn than about the president's relationship with Flynn. What had Flynn, in essence a spy in a soldier's uniform, roped the president into? What might they have got up to together?

On Monday morning, Kellyanne Conway appeared on MSNBC and offered a firm defense of the National Security Advisor. "Yes," she said, "General Flynn does enjoy the full confidence of the president." And while this seemed to many an indication that Conway was out of the loop, it was more accurately an indication that she had been talking directly to the president.

A White House meeting that morning failed to convince Trump to fire Flynn. He was concerned about what it would look like to lose his National Security Advisor after just twenty-four days. And he was adamant about not wanting to blame Flynn for talking to the Russians, even about sanctions. In Trump's view, condemning his adviser would connect him to a plot where there was no plot. His fury wasn't directed toward Flynn but to the "incidental" wiretap that had surveilled him. Making clear his confidence in his adviser, Trump insisted that Flynn come to Monday's lunch with the Canadian prime minister, Justin Trudeau.

Lunch was followed by another meeting about the furor. There were yet more details of the phone call and a growing itemization of the money Flynn had been paid by various Russian entities; there was also increasing focus on the theory that the leaks from the intel community—that is, the *whole* Russia mess—was directed at Flynn. Finally, there was a new rationale that Flynn should be fired not because of his Russian contacts, but because he had lied about them to the vice president. This was a convenient invention of a chain of command: in fact, Flynn did not report to Vice President Pence, and he was arguably a good deal more powerful than Pence.

The new rationale appealed to Trump, and he at last agreed that Flynn had to go.

Still, the president did not waiver in his belief in Flynn. Rather, Flynn's enemies were his enemies. And Russia was a gun to his head. He might, however ruefully, have had to fire Flynn, but Flynn was still his guy.

Flynn, ejected from the White House, had become the first established direct link between Trump and Russia. And depending on what he might say to whom, he was now potentially the most powerful person in Washington.

8

ORG CHART

The White House, realized former naval officer Steve Bannon after a few weeks, was really a military base, a government-issue office with a mansion's façade and a few ceremonial rooms sitting on top of a secure installation under military command. The juxtaposition was striking: military hierarchy and order in the background, the chaos of the temporary civilian occupants in the fore.

You could hardly find an entity more at odds with military discipline than a Trump organization. There was no real up-and-down structure, but merely a figure at the top and then everyone else scrambling for his attention. It wasn't task-based so much as response-oriented—whatever captured the boss's attention focused everybody's attention. That was the way in Trump Tower, just as it was now the way in the Trump White House.

The Oval Office itself had been used by prior occupants as the ultimate power symbol, a ceremonial climax. But as soon as Trump arrived, he moved in a collection of battle flags to frame him sitting at his desk, and the Oval immediately became the scene of a daily Trump cluster-fuck. It's likely that more people had easy access to this president than any president before. Nearly all meetings in the Oval with the president were invariably surrounded and interrupted by a long list of retainers—indeed, everybody strove to be in every meeting. Furtive people skulked around without clear purpose: Bannon invariably found some reason to study papers in the corner and then to have a last word; Priebus kept his eye on Bannon; Kushner kept constant tabs on the whereabouts of the others. Trump liked to keep Hicks, Conway, and, often, his old *Apprentice* sidekick Omarosa Manigault —now with a confounding White House title—in constant hovering presence. As always, Trump wanted an eager audience, encouraging as many people as possible to make as many attempts as possible to be as close to him as possible. In time, however, he would take derisive notice of those who seemed most eager to suck up to him.

Good management reduces ego. But in the Trump White House, it could often seem that nothing happened, that reality simply did not exist, if it did not happen in Trump's presence. This made an upside-down kind of sense: if something happened and he wasn't present, he didn't care about it and barely recognized it. His response then was often just a

blank stare. It also fed one theory of why hiring in the West Wing and throughout the executive branch was so slow—filling out the vast bureaucracy was out of his view and thus he couldn't care less. Likewise, visitors with appointments were befuddled by the West Wing's own lack of staff: after being greeted with a smart military salute by the dress marine at the West Wing door, they discovered that the West Wing often lacked a political-appointee receptionist, leaving guests to find their own way through the warren that was the Western world's pinnacle of power.

Trump, a former military academy cadet—albeit not an enthusiastic one—had touted a return to military values and expertise. In fact, he most of all sought to preserve his personal right to defy or ignore his own organization. This, too, made sense, since not really having an organization was the most efficient way to sidestep the people in your organization and to dominate them. It was just one irony of his courtship of admired military figures like James Mattis, H. R. McMaster, and John Kelly: they found themselves working in an administration that was in every way inimical to basic command principles.

* * *

Almost from the beginning, the West Wing was run against the near-daily report that the person charged with running it, Chief of Staff Reince Priebus, was about to lose his job. Or, if he was not about to lose his job, the only reason he was keeping it was that he had not had it long enough to yet be fired from it. But no one in Trump's inner circle doubted that he would lose his job as soon as, practically speaking, his losing it would not embarrass the president too much. So, they reasoned, no one need pay any attention to him. Priebus, who, during the transition, doubted he would make it to the inauguration, and then, once in, wondered if he could endure the torture for the minimally respectable period of a year, shortly reduced his goal to six months.

The president himself, absent any organizational rigor, often acted as his own chief of staff, or, in a sense, elevated the press secretary job to the primary staff job, and then functioned as his own press secretary—reviewing press releases, dictating quotes, getting reporters on the phone—which left the actual press secretary as a mere flunky and whipping boy. Moreover, his relatives acted as ad hoc general managers of whatever areas they might choose to be general managers in. Then there was Bannon, conducting something of an alternate-universe operation, often launching far-reaching undertakings that no one else knew about. And thus Priebus, at the center of an operation that had no center, found it easy to think there was no reason for him to be there at all.

At the same time, the president seemed to like Priebus more and more quite for the reason that he seemed entirely expendable. He took Trump's verbal abuse about his height and stature affably, or anyway stoically. He was a convenient punching bag when things went wrong—and he didn't punch back, to Trump's pleasure and disgust.

"I love Reince," said the president, with the faintest praise. "Who else would do this job?"

Among the three men with effectively equal rank in the West Wing—Priebus and Bannon and Kushner—only a shared contempt kept them from ganging up on one another.

In the early days of Trump's presidency, the situation seemed clear to everybody: three men were fighting to run the White House, to be the real chief of staff and power behind the Trump throne. And of course there was Trump himself, who didn't want to relinquish power to anyone.

In these crosshairs was thirty-two-year-old Katie Walsh.

* * *

Walsh, the White House deputy chief of staff, represented, at least to herself, a certain Republican ideal: clean, brisk, orderly, efficient. A righteous bureaucrat, pretty but with a permanently grim expression, Walsh was a fine example of the many political professionals in whom competence and organizational skills transcend ideology. (To wit: "I would much rather be part of an organization that has a clear chain of command that I disagree with than a chaotic organization that might seem to better reflect my views.") Walsh was an inside-the-Beltway figure—a swamp creature. Her expertise was prioritizing Beltway goals, coordinating Beltway personnel, marshaling Beltway resources. A head-down-get-things-done kind of person was how she saw herself. And no nonsense.

"Any time someone goes into a meeting with the president there are like sixty-five things that have to happen first," she enumerated. "What cabinet secretary has to be alerted about what person is going in there; what people on the Hill should be consulted; the president needs a policy briefing, so who's owning the brief and getting it to appropriate staff members, oh and by the way you have to vet the guy… . Then you have to give it to comms and figure out if it's a national story, a regional story and are we doing op-eds, going on national TV … and that's before you get to political affairs or public liaison… . And for anybody who meets with the president, it has to be explained why other people are not meeting with him, or else they'll go out there and shit all over the last person who was in… ."

Walsh was what politics is supposed to be—or what it has been. A business supported by, tended to, and, indeed, ennobled, by a professional political class. Politics, evident in the sameness and particular joylessness of Washington dress, a determined anti-fashion statement, is about procedure and temperament. Flash passes. No flash stays in the game.

From an all-girl Catholic school in St. Louis (still wearing a diamond cross around her neck) and volunteer work on local political campaigns, Walsh went to George Washington University—D.C. area colleges being among the most reliable feeders of swamp talent (government is not really an Ivy League profession). Most government and political

organizations are not run, for better or worse, by MBAs, but by young people distinguished only by their earnestness and public sector idealism and ambition. (It is an anomaly of Republican politics that young people motivated to work in the public sector find themselves working to limit the public sector.) Careers advance by how well you learn on the job and how well you get along with the rest of the swamp and play its game.

In 2008, Walsh became the McCain campaign's midwest regional finance director—having majored in marketing and finance at GW, she was trusted to hold the checkbook. Then on to deputy finance director of the National Republican Senatorial Committee, deputy finance director and then finance director of the Republican National Committee, and finally, pre-White House, chief of staff of the RNC and its chairman, Reince Priebus.

In retrospect, the key moment in saving the Trump campaign might be less the Mercer-led takeover and imposition of Bannon and Conway in mid-August than the acceptance that the bare-bones and still largely one-man organization would need to depend on the largesse of the RNC. The RNC had the ground game and the data infrastructure; other campaigns might not normally trust the national committee, with its many snakes in the grass, but the Trump campaign had chosen not to build this sort of organization or make this investment. In late August, Bannon and Conway, with Kushner's consent, made a deal with the deep-swamp RNC despite Trump's continued insistence that they'd gotten this far without the RNC, so why come crawling now?

Almost right away Walsh became a key player in the campaign, a dedicated, make-the-trains-run-on-time power centralizer—a figure without which few organizations can run. Commuting between RNC headquarters in Washington and Trump Tower, she was the quartermaster who made national political resources available to the campaign.

If Trump himself was often a disruption in the final months of the race and during the transition, the campaign around him, in part because its only option was to smoothly integrate with the RNC, was a vastly more responsive and unified organization than, say, the Hillary Clinton campaign with its significantly greater resources. Facing catastrophe and seeming certain humiliation, the Trump campaign pulled together—with Priebus, Bannon, and Kushner all starring in buddy-movie roles.

The camaraderie barely survived a few days in the West Wing.

* * *

To Katie Walsh, it became almost immediately clear that the common purpose of the campaign and the urgency of the transition were lost as soon as the Trump team stepped into the White House. They had gone from managing Donald Trump to the expectation of being managed by him—or at least through him and almost solely for his purposes. Yet the president, while proposing the most radical departure from governing and policy norms in several generations, had few specific ideas about how to turn his themes and vitriol into policy, nor a team that could reasonably unite behind him.

In most White Houses, policy and action flow down, with staff trying to implement what the president wants—or, at the very least, what the chief of staff says the president wants. In the Trump White House, policy making, from the very first instance of Bannon's immigration EO, flowed up. It was a process of suggesting, in throw-it-against-the-wall style, what the president might want, and hoping he might then think that he had thought of this himself (a result that was often helped along with the suggestion that he had in fact already had the thought).

Trump, observed Walsh, had a set of beliefs and impulses, much of them on his mind for many years, some of them fairly contradictory, and little of them fitting legislative or political conventions or form. Hence, she and everyone else was translating a set of desires and urges into a program, a process that required a lot of guess work. It was, said Walsh, "like trying to figure out what a child wants."

But making suggestions was deeply complicated. Here was, arguably, the central issue of the Trump presidency, informing every aspect of Trumpian policy and leadership: he didn't process information in any conventional sense—or, in a way, he didn't process it at all.

Trump didn't read. He didn't really even skim. If it was print, it might as well not exist. Some believed that for all practical purposes he was no more than semiliterate. (There was some argument about this, because he could read headlines and articles about himself, or at least headlines on articles about himself, and the gossip squibs on the *New York Post*'s Page Six.) Some thought him dyslexic; certainly his comprehension was limited. Others concluded that he didn't read because he just didn't have to, and that in fact this was one of his key attributes as a populist. He was postliterate—total television.

But not only didn't he read, he didn't listen. He preferred to be the person talking. And he trusted his own expertise—no matter how paltry or irrelevant—more than anyone else's. What's more, he had an extremely short attention span, even when he thought you were worthy of attention.

The organization therefore needed a set of internal rationalizations that would allow it to trust a man who, while he knew little, was entirely confident of his own gut instincts and reflexive opinions, however frequently they might change.

Here was a key Trump White House rationale: expertise, that liberal virtue, was overrated. After all, so often people who had worked hard to know what they knew made the wrong decisions. So maybe the gut was as good, or maybe better, at getting to the heart of the matter than the wonkish and data-driven inability to see the forest for the trees that often seemed to plague U.S. policy making. Maybe. *Hopefully*.

Of course, nobody really believed that, except the president himself.

Still, here was the basic faith, overriding his impetuousness and eccentricities and limited knowledge base: nobody became the president of the United States—that camel-

through-the-eye-of-the-needle accomplishment—without unique astuteness and cunning. *Right?* In the early days of the White House, this was the fundamental hypothesis of the senior staff, shared by Walsh and everyone else: Trump must know what he was doing, his intuition must be profound.

But then there was the other aspect of his supposedly superb insight and apprehension, and it was hard to miss: he was often confident, but he was just as often paralyzed, less a savant in these instances than a figure of sputtering and dangerous insecurities, whose instinctive response was to lash out and behave as if his gut, however silent and confused, was in fact in some clear and forceful way telling him what to do.

During the campaign, he became a kind of vaunted action figure. His staff marveled at his willingness to keep moving, getting back on the plane and getting off the plane and getting back on, and doing rally after rally, with a pride in doing more events than anybody else—double Hillary's!—and ever ridiculing his opponent's slow pace. He *performed*. "This man never takes a break from being Donald Trump," noted Bannon, with a complicated sort of faint praise, a few weeks after joining the campaign full time.

It was during Trump's early intelligence briefings, held soon after he captured the nomination, that alarm signals first went off among his new campaign staff: he seemed to lack the ability to take in third-party information. Or maybe he lacked the interest; whichever, he seemed almost phobic about having formal demands on his attention. He stonewalled every written page and balked at every explanation. "He's a guy who really hated school," said Bannon. "And he's not going to start liking it now."

However alarming, Trump's way of operating also presented an opportunity to the people in closest proximity to him: by understanding him, by observing the kind of habits and reflexive responses that his business opponents had long learned to use to their advantage, they might be able to game him, to *move* him. Still, while he might be moved today, nobody underestimated the complexities of continuing to move him in the same direction tomorrow.

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One of the ways to establish what Trump wanted and where he stood and what his underlying policy intentions were—or at least the intentions that you could convince him were his—came to involve an improbably close textual analysis of his largely off-the-cuff speeches, random remarks, and reflexive tweets during the campaign.

Bannon doggedly went through the Trump oeuvre highlighting possible insights and policy proscriptions. Part of Bannon's authority in the new White House was as keeper of the Trump promises, meticulously logged onto the white board in his office. Some of these promises Trump enthusiastically remembered making, others he had little memory of, but was happy to accept that he had said it. Bannon acted as disciple and promoted Trump to guru—or inscrutable God.

This devolved into a further rationalization, or Trump truth: "The president was very clear on what he wanted to deliver to the American public," said Walsh. He was "excellent in communicating this." At the same time, she acknowledged that it was not at all clear in any specific sense what he wanted. Hence, there was another rationalization: Trump was "inspirational not operational."

Kushner, understanding that Bannon's white board represented Bannon's agenda more than the president's agenda, got to wondering how much of this source text was being edited by Bannon. He made several attempts to comb through his father-in-law's words on his own before expressing frustration with the task and giving up.

Mick Mulvaney, the former South Carolina congressman now head of the Office of Management and Budget and directly charged with creating the Trump budget that would underlie the White House program, also fell back on the Trump spoken record. Bob Woodward's 1994 book, *The Agenda*, is a blow-by-blow account of the first eighteen months of the Clinton White House, most of it focused on creating the Clinton budget, with the single largest block of the president's time devoted to deep contemplation and arguments about how to allocate resources. In Trump's case, this sort of close and continuous engagement was inconceivable; budgeting was simply too small-bore for him.

"The first couple of times when I went to the White House, someone had to say, This is Mick Mulvaney, he's the budget director," said Mulvaney. And in Mulvaney's telling Trump was too scattershot to ever be of much help, tending to interrupt planning with random questions that seem to have come from someone's recent lobbying or by some burst of free association. If Trump cared about something, he usually already had a fixed view based on limited information. If he didn't care, he had no view and no information. Hence, the Trump budget team was also largely forced to return to Trump's speeches when searching for the general policy themes they could then fasten into a budget program.

* * *

Walsh, sitting within sight of the Oval Office, was located at something like the ground zero of the information flow between the president and his staff. As Trump's primary scheduler, her job was to ration the president's time and organize the flow of information to him around the priorities that the White House had set. In this, Walsh became the effective middle person among the three men working hardest to maneuver the president —Bannon, Kushner, and Priebus.

Each man saw the president as something of a blank page—or a scrambled one. And each, Walsh came to appreciate with increasing incredulity, had a radically different idea of how to fill or remake that page. Bannon was the alt-right militant. Kushner was the New York Democrat. And Priebus was the establishment Republican. "Steve wants to force a million people out of the country and repeal the nation's health law and lay on a

bunch of tariffs that will completely decimate how we trade, and Jared wants to deal with human trafficking and protecting Planned Parenthood." And Priebus wanted Donald Trump to be another kind of Republican altogether.

As Walsh saw it, Steve Bannon was running the Steve Bannon White House, Jared Kushner was running the Michael Bloomberg White House, and Reince Priebus was running the Paul Ryan White House. It was a 1970s video game, the white ball pinging back and forth in the black triangle.

Priebus—who was supposed to be the weak link, thus allowing both Bannon and Kushner, variously, to be the effective chief of staff—was actually turning out to be quite a barking dog, even if a small one. In the Bannon world and in the Kushner world, Trumpism represented politics with no connection to the Republican mainstream, with Bannon reviling that mainstream and Kushner operating as a Democrat. Priebus, meanwhile, was the designated mainstream terrier.

Bannon and Kushner were therefore more than a little irritated to discover that the unimposing Priebus had an agenda of his own: heeding Senate leader Mitch McConnell's prescription that "this president will sign whatever is put in front of him," while also taking advantage of the White House's lack of political and legislative experience and outsourcing as much policy as possible to Capitol Hill.

In the early weeks of the administration, Priebus arranged for House Speaker Paul Ryan, however much a Trumpist bête noire for much of the campaign, to come into the White House with a group of ranking committee chairmen. In the meeting, the president blithely announced that he had never had much patience for committees and so was glad someone else did. Ryan, henceforth, became another figure with unfettered access to the president—and to whom the president, entirely uninterested in legislative strategy or procedures, granted virtual carte blanche.

Almost nobody represented what Bannon opposed as well as Paul Ryan. The essence of Bannonism (and Mercerism) was a radical isolationism, a protean protectionism, and a determined Keynesianism. Bannon ascribed these principles to Trumpism, and they ran as counter to Republicanism as it was perhaps possible to get. What's more, Bannon found Ryan, in theory the House's policy whiz, to be slow-witted if not incompetent, and an easy and constant target of Bannon's under-his-breath ridicule. Still, if the president had unaccountably embraced Priebus-Ryan, he also could not do without Bannon.

Bannon's unique ability—partly through becoming more familiar with the president's own words than the president was himself, and partly through a cunning self-effacement (upended by his bursts of self-promotion)—was to egg the president on by convincing him that Bannon's own views were entirely derived from the president's views. Bannon didn't promote internal debate, provide policy rationale, or deliver Power-Point presentations; instead, he was the equivalent of Trump's personal talk radio. Trump could turn him on at

any moment, and it pleased him that Bannon's pronouncements and views would consistently be fully formed and ever available, a bracing, unified-field narrative. As well, he could turn him off, and Bannon would be tactically quiet until turned on again.

Kushner had neither Bannon's policy imagination nor Priebus's institutional ties. But, of course, he had family status, carrying its own high authority. In addition, he had billionaire status. He had cultivated a wide range of New York and international money people, Trump acquaintances and cronies, and, often, people whom Trump would have wished to like him better than they did. In this, Kushner became the representative in the White House of the liberal status quo. He was something like what used to be called a Rockefeller Republican and now might more properly be a Goldman Sachs Democrat. He —and, perhaps even more, Ivanka—was at diametric odds with both Priebus, the stout-right, Sun Belt–leaning, evangelical dependent Republican, and Bannon, the alt-right, populist, anti-party disruptor.

From their separate corners each man pursued his own strategy. Bannon did all he could to roll over Priebus and Kushner in an effort to prosecute the war for Trumpism/Bannonism as quickly as possible. Priebus, already complaining about "political neophytes and the boss's relatives," subcontracted his agenda out to Ryan and the Hill. And Kushner, on one of the steepest learning curves in the history of politics (not that everyone in the White House wasn't on a steep curve, but Kushner's was perhaps the steepest), and often exhibiting a painful naïveté as he aspired to be one of the world's savviest players, was advocating doing nothing fast and everything in moderation. Each had coteries opposed to the other: Bannonites pursued their goal of breaking everything fast, Priebus's RNC faction focused on the opportunities for the Republican agenda, Kushner and his wife did their best to make their unpredictable relative look temperate and rational.

And in the middle was Trump.

* * *

"The three gentlemen running things," as Walsh came to coolly characterize them, all served Trump in different ways. Walsh understood that Bannon provided the president with inspiration and purpose, while the Priebus-Ryan connection promised to do what to Trump seemed like the specialized work of government. For his part, Kushner best coordinated the rich men who spoke to Trump at night, with Kushner often urging them to caution him against both Bannon and Priebus.

The three advisers were in open conflict by the end of the second week following the immigration EO and travel ban debacle. This internal rivalry was the result of stylistic, philosophic, and temperamental differences; perhaps more important, it was the direct result of the lack of a rational org chart or chain of command. For Walsh, it was a daily process of managing an impossible task: almost as soon as she received direction from one

of the three men, she would be countermanded by one or another of them.

"I take a conversation at face value and move forward with it," she defended herself. "I put what was decided on the schedule and bring in comms and build a press plan around it and bring in political affairs and office of public liaison. And then Jared says, Why did you do that. And I say, 'Because we had a meeting three days ago with you and Reince and Steve where you agreed to do this.' And he says, 'But that didn't mean I wanted it on the schedule. That's not why I had that conversation.' It almost doesn't matter what anyone says: Jared will agree, and then it will get sabotaged, and then Jared goes to the president and says, See, that was Reince's idea or Steve's idea."

Bannon concentrated on a succession of EOs that would move the new administration forward without having to wade through Congress. That focus was countermanded by Priebus, who was cultivating the Trump-Ryan romance and the Republican agenda, which in turn was countermanded by Kushner, who was concentrating on presidential bonhomie and CEO roundtables, not least because he knew how much the president liked them (and, as Bannon pointed out, because Kushner himself liked them). And instead of facing the inherent conflicts in each strategy, the three men recognized that the conflicts were largely irresolvable and avoided facing that fact by avoiding each other.

Each man had, in his own astute fashion, found his own way to appeal to the president and to communicate with him. Bannon offered a rousing fuck-you show of force; Priebus offered flattery from the congressional leadership; Kushner offered the approval of blue-chip businessmen. So strong were these particular appeals that the president typically preferred not to distinguish among them. They were all exactly what he wanted from the presidency, and he didn't understand why he couldn't have them all. He wanted to break things, he wanted a Republican Congress to give him bills to sign, and he wanted the love and respect of New York *macher*s and socialites. Some inside the White House perceived that Bannon's EOs were meant to be a workaround in response to Priebus's courtship of the party, and that Kushner's CEOs were appalled by Bannon's EOs and resistant to much of the Republican agenda. But if the president understood this, it did not particularly trouble him.

* * *

Having achieved something like executive paralysis within the first month of the new administration—each of the three gentlemen was as powerful in his allure to the president as the others and each, at times, was equally annoying to the president—Bannon, Priebus, and Kushner all built their own mechanisms to influence the president and undermine the others.

Analysis or argument or PowerPoint did not work. But who said what to Trump and when often did. If, at Bannon's prodding, Rebekah Mercer called him, that had an effect. Priebus could count on Paul Ryan's clout with him. If Kushner set up Murdoch to call, that

registered. At the same time, each successive call mostly canceled the others out.

This paralysis led the three advisers to rely on the other particularly effective way to move him, which was to use the media. Hence each man became an inveterate and polished leaker. Bannon and Kushner studiously avoided press exposure; two of the most powerful people in government were, for the most part, entirely silent, eschewing almost all interviews and even the traditional political conversations on Sunday morning television. Curiously, however, both men became the background voices to virtually all media coverage of the White House. Early on, before getting down to attacking each other, Bannon and Kushner were united in their separate offensives against Priebus. Kushner's preferred outlet was Joe Scarborough and Mika Brzezinski's *Morning Joe*, one of the president's certain morning shows. Bannon's first port of call was the alt-right media ("Bannon's Breitbart shenanigans," in Walsh's view). By the end of the first month in the White House, Bannon and Kushner had each built a network of primary outlets, as well as secondary ones to deflect from the obviousness of the primary ones, creating a White House that simultaneously displayed extreme animosity toward the press and yet great willingness to leak to it. In this, at least, Trump's administration was achieving a landmark transparency.

The constant leaking was often blamed on lower minions and permanent executive branch staff, culminating in late February with an all-hands meeting of staffers called by Sean Spicer—cell phones surrendered at the door—during which the press secretary issued threats of random phone checks and admonitions about the use of encrypted texting apps. Everybody was a potential leaker; everybody was accusing everybody else of being a leaker.

Everybody *was* a leaker.

One day, when Kushner accused Walsh of leaking about him, she challenged him back: "My phone records versus yours, my email versus yours."

But most of the leaks, certainly the juiciest ones, were coming from the higher-ups—not to mention from the person occupying the topmost echelon.

The president couldn't stop talking. He was plaintive and self-pitying, and it was obvious to everyone that if he had a north star, it was just to be liked. He was ever uncomprehending about why everyone did not like him, or why it should be so difficult to get everyone to like him. He might be happy throughout the day as a parade of union steel workers or CEOs trooped into the White House, with the president praising his visitors and them praising him, but that good cheer would sour in the evening after several hours of cable television. Then he would get on the phone, and in unguarded ramblings to friends and others, conversations that would routinely last for thirty or forty minutes, and could go much longer, he would vent, largely at the media and his staff. In what was termed by some of the self-appointed Trump experts around him—and everyone was a

Trump expert—he seemed intent on "poisoning the well," in which he created a loop of suspicion, disgruntlement, and blame heaped on others.

When the president got on the phone after dinner, it was often a rambling affair. In paranoid or sadistic fashion, he'd speculate on the flaws and weaknesses of each member of his staff. Bannon was disloyal (not to mention he always looks like shit). Priebus was weak (not to mention he was short—a midget). Kushner was a suck-up. Spicer was stupid (and looks terrible too). Conway was a crybaby. Jared and Ivanka should never have come to Washington.

His callers, largely because they found his conversation peculiar, alarming, or completely contrary to reason and common sense, often overrode what they might otherwise have assumed to be the confidential nature of the calls and shared the content with someone else. Hence news about the inner workings of the White House went into free circulation. Except it was not so much the inner workings of the White House—although it would often be reported as such—but the perambulations of the president's mind, which changed direction almost as fast as he could express himself. Yet there were constant tropes in his own narrative: Bannon was about to be cast out, Priebus too, and Kushner needed his protection from the other bullies.

So if Bannon, Priebus, and Kushner were now fighting a daily war with one another, it was mightily exacerbated by something of a running disinformation campaign about them that was being prosecuted by the president himself. A chronic naysayer, he viewed each member of his inner circle as a problem child whose fate he held in his hand. "We are sinners and he is God" was one view; "We serve at the president's displeasure," another.

* * *

In the West Wing of every administration since at least that of Clinton and Gore, the vice president has occupied a certain independent power base in the organization. And yet Vice President Mike Pence—the fallback guy in an administration the length of whose term remained the subject of something like a national office betting pool—was a cipher, a smiling presence either resisting his own obvious power or unable to seize it.

"I do funerals and ribbon cuttings," he told a former Republican Hill colleague. In this, he was seen as either feigning an old-fashioned, what-me-worry, standard-issue veep identity lest he upset his patron or, in fact, honestly acknowledging who he was.

Katie Walsh, amid the chaos, saw the vice president's office as a point of calm in the storm. Pence's staff was not only known by people outside the White House for the alacrity with which it returned calls and for the ease with which it seemed to accomplish West Wing tasks, it also seemed to be comprised of people who liked each other and who were dedicated to a common goal: eliminating as much friction as possible around the vice president.

Pence started nearly every speech saying, "I bring greetings from our forty-fifth

president of the United States, Donald J. Trump …"—a salutation directed more to the president than to the audience.

Pence cast himself as blandly uninteresting, sometimes barely seeming to exist in the shadow of Donald Trump. Little leaked out of the Pence side of the White House. The people who worked for the vice president, were, like Pence himself, people of few words.

In a sense, he had solved the riddle of how to serve as the junior partner to a president who could not tolerate any kind of comparisons: extreme self-effacement.

"Pence," said Walsh, "is not dumb."

Actually, well short of intelligent was exactly how others in the West Wing saw him. And because he wasn't smart, he was not able to provide any leadership ballast.

On the Jarvanka side, Pence became a point of grateful amusement. He was almost absurdly happy to be Donald Trump's vice president, happy to play the role of exactly the kind of vice president that would not ruffle Trump's feathers. The Jarvanka side credited Pence's wife, Karen, as the guiding hand behind his convenient meekness. Indeed, he took to this role so well that, later, his extreme submissiveness struck some as suspicious.

The Priebus side, where Walsh firmly sat, saw Pence as one of the few senior West Wing figures who treated Priebus as though he was truly the chief of staff. Pence often seemed like a mere staffer, the ever present note taker in so many meetings.

From the Bannon side, Pence garnered only contempt. "Pence is like the husband in *Ozzie and Harriet*, a nonevent," said one Bannonite.

Although many saw him as a vice president who might well assume the presidency someday, he was also perceived as the weakest vice president in decades and, in organizational terms, an empty suit who was useless in the daily effort to help restrain the president and stabilize the West Wing.

* * *

During that first month, Walsh's disbelief and even fear about what was happening in the White House moved her to think about quitting. Every day after that became its own countdown toward the moment she knew she wouldn't be able to take it anymore—which would finally come at the end of March. To Walsh, the proud political pro, the chaos, the rivalries, and the president's own lack of focus and lack of concern were simply incomprehensible.

In early March, Walsh confronted Kushner and demanded: "Just give me the three things the president wants to focus on. What are the three priorities of this White House?"

"Yes," said Kushner, wholly absent an answer, "we should probably have that conversation."

9

CPAC

On February 23, a 75-degree day in Washington, the president woke up complaining about an overheated White House. But for once, the president's complaints were not the main concern. The excited focus in the West Wing was organizing a series of car pools out to the Conservative Political Action Conference, the annual gathering of conservative movement activists, which had outgrown the accommodations of Washington hotels and moved to the Gaylord Resort on Maryland's National Harbor waterfront. CPAC, right of right-of-center and trying to hold steady there, ambivalent about all the conservative vectors that further diverged from that point, had long had an uncomfortable relationship with Trump, viewing him as an unlikely conservative, if not a charlatan. CPAC, too, saw Bannon and Breitbart as practicing an outré conservatism. For several years Breitbart had staged a nearby competitive conference dubbed "The Uninvited."

But the Trump White House would dominate or even subsume the conference this year, and everybody wanted to turn out for this sweet moment. The president, set to speak on the second day, would, like Ronald Reagan, address the conference in his first year in office, whereas both Bushes, wary of CPAC and conservative activists, had largely snubbed the gathering.

Kellyanne Conway, a conference opener, was accompanied by her assistant, two daughters, and a babysitter. Bannon was making his first official pubic appearance of the Trump presidency, and his retinue included Rebekah Mercer, the pivotal Trump donor and Breitbart funder, her young daughter, and Allie Hanley, a Palm Beach aristocrat, conservative donor, and Mercer friend. (The imperious Hanley, who had not met Bannon before, pronounced him "dirty" looking.)

Bannon was scheduled to be interviewed in the afternoon session by CPAC chairman Matt Schlapp, a figure of strained affability who seemed to be trying to embrace the Trump takeover of his conference. A few days before, Bannon had decided to add Priebus to the interview, as both a private gesture of goodwill and a public display of unity—a sign of a budding alliance against Kushner.

In nearby Alexandria, Virginia, Richard Spencer, the president of the National Policy Institute, which is sometimes described as a "white supremacist think tank," who had, peskily for the White House, adopted the Trump presidency as a personal victory, was organizing his trip to CPAC, which would be as much a victory march for him as it was for the Trump team. Spencer—who, in 2016, he had declared, "Let's party like it's 1933," as in the year Hitler came to power—provoked an outcry with his widely covered "Heil Trump" (or "Hail Trump," which of course amounts to the same thing) salute after the election, and then achieved a kind of reverse martyrdom by taking a punch from a protester on Inauguration Day that was memorialized on YouTube.

CPAC, organized by the remnants of the conservative movement after Barry Goldwater's apocalyptic defeat in 1964, had, with stoic indefatigability, turned itself into the backbone of conservative survival and triumph. It had purged John Birchers and the racist right and embraced the philosophic conservative tenets of Russell Kirk and William F. Buckley. In time, it endorsed Reagan-era small government and antiregulatory reform, and then added the components of the cultural wars—antiabortion, anti-gay-marriage, and a tilt toward evangelicals—and married itself to conservative media, first right-wing radio and later Fox News. From this agglomeration it spun an ever more elaborate and all-embracing argument of conservative purity, synchronicity, and intellectual weight. Part of the fun of a CPAC conference, which attracted a wide assortment of conservative young people (reliably mocked as the Alex P. Keaton crowd by the growing throng of liberal press that covered the conference), was the learning of the conservative catechism.

But after a great Clinton surge in the 1990s, CPAC started to splinter during the George W. Bush years. Fox News became the emotional center of American conservativism. Bush neocons and the Iraq War were increasingly rejected by the libertarians and other suddenly breakaway factions (among them the paleocons); the family values right, meanwhile, was more and more challenged by younger conservatives. In the Obama years, the conservative movement was increasingly bewildered by Tea Party rejectionism and a new iconoclastic right-wing media, exemplified by Breitbart News, which was pointedly excluded from the CPAC conference.

In 2011, professing conservative fealty, Trump lobbied the group for a speaking slot and, with reports of a substantial cash contribution, was awarded a fifteen-minute berth. If CPAC was supposedly about honing a certain sort of conservative party line, it was also attentive to a wide variety of conservative celebrities, including, over the years, Rush Limbaugh, Ann Coulter, and various Fox News stars. The year before Obama's reelection, Trump fell into this category. But he was viewed quite differently four years later. In the winter of 2016, during the still competitive Republican primary race, Trump—now eyed as much as a Republican apostate as a Republican crowd pleaser—decided to forgo CPAC and what he feared would be less than a joyous welcome.

This year, as part of its new alignment with the Trump-Bannon White House, CPAC's

personality headliner was slated to be the alt-right figure Milo Yiannopoulos, a gay British right-wing provocateur attached to Breitbart News. Yiannopoulos—whose entire position, rather more like a circa-1968 left-wing provocateur, seemed to be about flouting political correctness and social convention, resulting in left-wing hysteria and protests against him—was as confounding a conservative figure as could be imagined. Indeed, there was a subtle suggestion that CPAC had chosen Yiannopoulos precisely to hoist Bannon and the White House on the implicit connection to him—Yiannopoulos had been something of a Bannon protégé. When, two days before CPAC opened, a conservative blogger discovered a video of Yiannopoulos in bizarre revelry seeming to rationalize pedophilia, the White House made it clear he had to go.

Still, the White House presence at CPAC—which included, along with the president, Bannon, Conway, Education Secretary Betsy DeVos, and the oddball White House foreign policy adviser and former Breitbart writer Sebastian Gorka—seemed to push the Yiannopoulos mess to the side. If CPAC was always looking to leaven boring politicians with star power, Trump, and anyone connected him, were now the biggest stars. With her family positioned out in front of a full house, Conway was interviewed in Oprah-like style by Mercedes Schlapp (wife of Matt Schlapp—CPAC was a family affair), a columnist for the conservative *Washington Times* who would later join the White House communications staff. It was an intimate and inspirational view of a woman of high achievement, the kind of interview that Conway believed she would have been treated to on network and cable television if she were not a Trump Republican—the type of treatment, she'd point out, that had been given to Democratic predecessors like Valerie Jarrett.

At about the time that Conway was explaining her particular brand of antifeminist feminism, Richard Spencer arrived at the convention center hoping to attend the breakout session "The Alt-Right Ain't Right at All," a modest effort to reaffirm CPAC's traditional values. Spencer, who since the Trump victory had committed himself to full-time activism and press opportunities, had planned to position himself to get in the first question. But almost immediately upon arriving and paying his $150 registration fee, he had attracted first one reporter and then a growing circle, a spontaneous press scrum, and he responded by giving an ad hoc news conference. Like Yiannopoulos, and in many ways like Trump and Bannon, Spencer helped frame the ironies of the modern conservative movement. He was a racist but hardly a conservative—he doggedly supported single-payer health care, for instance. And the attention he received was somehow less a credit to conservatism than another effort by the liberal media to smear conservatism. Hence, as the scrum around him increased to as many as thirty people, the CPAC irony police stepped in.

"You're not welcome on the property," announced one of the security guards. "They want you off the property. They want you to cease. They want you off the property."

"Wow," said Spencer. "Can they?"

"Enough debate," the guard said. "This is private property and CPAC wants you off the property."

Relieved of his credentials, Spencer was ushered to the CPAC perimeter of the hotel, where, his pride not all that wounded, he turned, in the comfort of the atrium lounge area, to social media and to texting and emailing reporters on his contact list.

The point Spencer was making was that his presence here was not really so disruptive or ironic as Bannon's, or, for that matter, Trump's. He might be ejected, but in a larger historical sense it was the conservatives who were now being ejected from their own movement by the new cadre—which included Trump and Bannon—of what Spencer called the identitarians, proponents of "white interests, values, customs, and culture."

Spencer was, he believed, the true Trumper and the rest of CPAC now the outliers.

* * *

In the green room, after Bannon, Priebus, and their retinues had arrived, Bannon—in dark shirt, dark jacket, and white pants—stood off to the side talking to his aide, Alexandra Preate. Priebus sat in the makeup chair, patiently receiving a layer of foundation, powder, and lip gloss.

"Steve—" said Priebus, gesturing to the chair as he got up.

"That's okay," said Bannon. He put up his hand, making another of the continual small gestures meant, pointedly, to define himself as something other than every phony baloney in swampland politics—and something other than Reince Priebus, with his heavy powder foundation.

The significance of Bannon's first appearance in public—after days of apparent West Wing turmoil, a *Time* magazine cover story about him, nearly endless speculation about his power and true intentions, and his elevation at least in the media mind to the essential mystery of the Trump White House—could hardly be underestimated. For Bannon himself this was, in his own mind, a carefully choreographed moment. It was his victory walk. He had, he thought, prevailed in the West Wing. He had, again in his own mind, projected his superiority over both Priebus and the idiot son-in-law. And he would now dominate CPAC. But for the moment he attempted a shucks-nothing-to-it lack of self-consciousness even as, at the same time, he was unquestionably the preening man of the hour. Demurring about accepting makeup was not just a way to belittle Priebus, but also a way to say that, ever the commando, he went into battle fully exposed.

"You know what he thinks even when you don't know what he thinks," explained Alexandra Preate. "He's a bit like a good boy who everybody knows is a bad boy."

When the two men emerged onto the stage and appeared on the big-screen monitors, the contrast between them could hardly have been greater. The powder made Priebus look mannequin-like, and his suit with lapel pin, little-boyish. Bannon, the supposedly

publicity-shy man, was eating up the camera. He was a country music star—he was Johnny Cash. He seized Priebus's hand in a power handshake, then relaxed in his chair as Priebus came too eagerly forward in his.

Priebus opened with traditional bromides. Bannon, taking his turn, went wryly for the dig: "I want to thank you for finally inviting me to CPAC."

"We decided to say that everybody is a part of our conservative family," said Matt Schlapp, resigned. He then welcomed "the back of the room," where the hundreds of reporters covering the event were positioned.

"Is that the opposition party?" asked Bannon, shielding his eyes.

Schlapp went to the setup question: "We read a lot about you two. Ahem …"

"It's all good," replied Priebus tightly.

"I'll bet not all of it's accurate," said Schlapp. "I'll bet there's things that don't get written correctly. Let me ask both of you, what's the biggest misconception about what's going on in the Donald Trump White House?"

Bannon responded with something just less than a smirk and said nothing.

Priebus offered a testimonial to the closeness of his relationship with Bannon.

Bannon, eyes dancing, lifted the microphone trumpetlike and made a joke about Priebus's commodious office—two couches and a fireplace—and his own rough-and-ready one.

Priebus hewed to the message. "It's, ahh … it's actually … something that you all have helped build, which is, when you bring together, and what this election shows, and what President Trump showed, and let's not kid ourselves, I can talk about data and ground game and Steve can talk about big ideas but the truth of the matter is Donald Trump, President Trump, brought together the party and the conservative movement, and I tell you if the party and the conservative movement are together"—Priebus knocked his fists—"similar to Steve and I, it can't be stopped. And President Trump is the one guy, he was the one person, and I can say this after overseeing sixteen people kill each other, it was Donald Trump who was able to bring this country, this party, and this movement together. And Steve and I know that and we live it every day and our job is to get the agenda of President Trump through the door and on pen and paper."

With Priebus gasping for breath, Bannon snatched the relay baton. "I think if you look at the opposition party"—throwing his hand out to the back of the room—"and how they portrayed the campaign, how they portrayed the transition, and now how they are portraying the administration, it's always wrong. I mean on the very first day that Kellyanne and I started, we reached out to Reince, Sean Spicer, Katie… . It's the same team, you know, that every day was grinding away at the campaign, the same team that

did the transition, and if you remember, the campaign was the most chaotic, in the media's description, most chaotic, most disorganized, most unprofessional, had no earthly idea what they were doing, and then you saw 'em all crying and weeping that night on November 8."

Back in the White House, Jared Kushner, watching the proceedings casually and then more attentively, suddenly felt a rising anger. Thin-skinned, defensive, on guard, he perceived Bannon's speech as a message sent directly to him. Bannon has just credited the Trump victory to everybody else. Kushner was certain he was being taunted.

When Schlapp asked the two men to enumerate the accomplishments of the last thirty days, Priebus floundered and then seized on Judge Gorsuch and the deregulation executive orders, all things, said Priebus, "that"—he paused, struggling—"eighty percent of Americans agree with."

After a brief pause, as though waiting for the air to clear, Bannon raised the microphone: "I kind of break it down into three verticals, three buckets; the first, national security and sovereignty, and that's your intelligence, defense department, homeland security. The second line of work is what I refer to as economic nationalism, and that is Wilbur Ross at Commerce, Steve Mnuchin at Treasury, [Robert] Lighthizer at Trade, Peter Navarro, [and] Stephen Miller, who are rethinking how we are going to reconstruct our trade arrangements around the world. The third, broadly, line of work is deconstruction of the administrative state—" Bannon stopped for a moment; the phrase, which had never before been uttered in American politics, drew wild applause. "The way the progressive left runs is that if they can't get it passed they're just going to put it in some sort of regulation in an agency. That's all going to be deconstructed."

Schlapp fed another setup question, this one about the media.

Priebus grabbed it, rambled and fumphered for a while, and ended up, somehow, on a positive note: *We'll all come together*.

Lifting the microphone, once again Joshua-like, and with a sweeping wave of his hand, Bannon pronounced, "It's not only not going to get better, it's going to get worse every day"—his fundamental apocalyptic song—"and here's why—and by the way, the internal logic makes sense, corporatist, globalist media, that are adamantly opposed, adamantly opposed, to an economic nationalist agenda like Donald Trump has. And here's why it's going to get worse: because he's going to continue to press his agenda. And as economic conditions continue to get better, as more jobs get better, they're going to continue to fight. If you think they're going to give you your country back without a fight you are sadly mistaken. Every day it is going to be a fight. This is why I'm proudest of Donald Trump. All the opportunities he had to waver off this. All the people he had coming to him saying 'Oh, you got to moderate.' " Another dig at Kushner. "Every day in the Oval Office he tells Reince and me, 'I committed this to the American people. I promised this when I ran.

And I'm going to deliver on this.' "

And then the final, agreed-upon-beforehand question: "Can this Trump movement be combined with what's happening at CPAC and other conservative movements for fifty years? Can this be brought together … and is this going to save the country?"

"Well, we have to stick together as a team," said Priebus. "It's gonna take all of us working together to make it happen."

As Bannon started into his answer, he spoke slowly, looking out at his captive and riveted audience: "I've said that there is a new political order being formed out of this and it's still being formed. If you look at the wide degree of opinions in this room, whether you are a populist, whether you're a limited-government conservative, whether you're a libertarian, whether you're an economic nationalist, we have wide and sometimes divergent opinions, but I think the center core of what we believe, that we're a nation with an economy, not an economy just in some global market place with open borders, but that we are a nation with a culture, and a reason for being. I think that's what unites us. And that's what's going to unite this movement going forward."

Bannon lowered the microphone to, after what might be interpreted as a beat of uncertainty, suddenly thunderous applause.

Watching from the White House, Kushner—who had come to believe that there was something insidious when Bannon used the words "borders," "global," "culture," and "unite," and who was more and more convinced that they were personally directed against him—was now in a rage.

* * *

Kellyanne Conway had increasingly been worrying about the seventy-year-old president's sleeplessness and his worn look. It was the president's indefatigability—a constant restlessness—that she believed carried the team. On the campaign trail, he would always add stops and speeches. He doubled his own campaign time. Hillary worked at half time; he worked at double time. He sucked in the energy from the crowds. Now that he was living alone in the White House, though, he had seemed to lose a step.

But today he was back. He had been under the sunlamp and lightened his hair, and when the climate-change-denying president woke up on another springlike morning, 77 degrees in the middle of winter, on the second day of CPAC, he seemed practically a different person, or anyway a noticeably younger one. At the appointed hour, to the locked-down ballroom at the Gaylord Resort, filled to capacity with all stripes of the conservative faithful—Rebekah Mercer and her daughter up front—and hundreds of media people in an SRO gallery, the president emerged onto the stage, not in an energetic television-style rush, but with a slow swagger to the low strains of "I'm Proud to Be an American." He came to the stage as a political strongman, a man occupying his moment, clapping—here he reverted to entertainer pose—as he slowly approached the podium,

mouthing "Thank you," crimson tie dipping over his belt.

This would be Trump's fifth CPAC address. As much as Steve Bannon liked to see himself as the author of Donald Trump, he also seemed to find it proof of some added legitimacy—and somehow amazing in itself—that since 2011 Trump had basically come to CPAC with the same message. He wasn't a cipher, he was a messenger. The country was a "mess"—a word that had stood the Trump test of time. Its leaders were weak. Its greatness had been lost. The only thing different was that in 2011 he was still reading his speeches with only occasional ad-libs, and now he ad-libbed everything.

"My first major speech was at CPAC," the president began. "Probably five or six years ago. My first major political speech. You were there. I loved it. I loved the people. I loved the commotion. They did these polls where I went through the roof. I wasn't even running, right? But it gave me an idea! And I got a little bit concerned when I saw what was happening in the country so I said let's go to it. It was very exciting. I walked the stage at CPAC. I had very little notes and even less preparation." (In fact, he read his 2011 speech from a sheet of paper.) "So when you have practically no notes and no preparation and then you leave and everybody was thrilled. I said, I think I like this business."

This first preamble gave way to the next preamble.

"I want you all to know that we are fighting the fake news. It's phony. Fake. A few days ago I called the fake news the enemy of the people. Because they have no sources. They just make 'em up when there are none. I saw one story recently where they said nine people have confirmed. There are no nine people. I don't believe there was one or two people. Nine people. And I said, Give me a break. I know the people. I know who they talk to. There were no nine people. But they say nine people… ."

A few minutes into the forty-eight-minute speech and it was already off the rails, riff sustained by repetition.

"Maybe they're just bad at polling. Or maybe they're not legit. It's one or the other. They're very smart. They're very cunning. And they're very dishonest… . Just to conclude"—although he would go on for thirty-seven minutes more—"it's a very sensitive topic and they get upset when we expose their false stories. They say we can't criticize their dishonest coverage because of the First Amendment. You know they always bring up"—he went into a falsetto voice—"*the First Amendment*. Now I love the First Amendment. Nobody loves it better than me. Nobody."

Each member of the Trump traveling retinue was now maintaining a careful poker face. When they did break it, it was as though on a delay, given permission by the crowd's cheering or laughter. Otherwise, they seemed not to know whether the president had in fact gotten away with his peculiar rambles.

"By the way, you folks in here, the place is packed, there are lines that go back six blocks"—there were no lines outside the crowded lobby—"I tell you that because you

won't read about it. But there are lines that go back six blocks… .

"There is one allegiance that unites us all, to America, America… . We all salute with pride the same American flag … and we are all equal, equal in the eyes of Almighty God… . We're equal … and I want to thank, by the way, the evangelical community, the Christian community, communities of faith, rabbis and priests and pastors, ministers, because the support for me, as you know, was a record, not only numbers of people but percentages of those numbers who voted for Trump … an amazing outpouring and I will not disappoint you … as long as we have faith in each other and trust in God then there is no goal beyond our reach … there is no dream too large … no task too great … we are Americans and the future belongs to us … America is roaring. It's going to be bigger and better and stronger than ever before… ."

Inside the West Wing, some had idly speculated about how long he would go on if he could command time as well as language. The consensus seemed to be forever. The sound of his own voice, his lack of inhibition, the fact that linear thought and presentation turned out not at all to be necessary, the wonder that this random approach seemed to command, and his own replenishing supply of free association—all this suggested that he was limited only by everyone else's schedule and attention span.

Trump's extemporaneous moments were always existential, but more so for his aides than for him. He spoke obliviously and happily, believing himself to be a perfect pitch raconteur and public performer, while everyone with him held their breath. If a wackadoo moment occurred on the occasions—the frequent occasions—when his remarks careened in no clear direction, his staff had to go into intense method-acting response. It took absolute discipline not to acknowledge what everyone could see.

* * *

As the president finished up his speech, Richard Spencer, who in less than four months from the Trump election was on his way to becoming the most famous neo-Nazi in America since George Lincoln Rockwell, had returned to a seat in the atrium of the Gaylord Resort to argue his affinity for Donald Trump—and, he believed, vice versa.

Spencer, curiously, was one of the few people trying to ascribe an intellectual doctrine to Trumpism. Between those taking him literally but not seriously, and those taking him seriously but not literally, there was Richard Spencer. Practically speaking, he was doing both, arguing the case that if Trump and Bannon were the pilot fish for a new conservative movement, Spencer himself—the owner of altright.com and, he believed, the purest exponent of the movement—was their pilot fish, whether they knew it or not.

As close to a real-life Nazi as most reporters had ever seen, Spencer was a kind of catnip for the liberal press crowded at CPAC. Arguably, he was offering as good an explanation of Trump's anomalous politics as anyone else.

Spencer had come up through writing gigs on conservative publications, but he was

hardly recognizable in any sort of official Republican or conservative way. He was a post-right-wing provocateur but with none of the dinner party waspishness or bite of Ann Coulter or Milo Yiannopoulos. They were a stagey type of reactionary. He was a real one —a genuine racist with a good education, in his case UVA, the University of Chicago, and Duke.

It was Bannon who effectively gave Spencer flight by pronouncing Breitbart to be "the platform for the alt-right"—the movement Spencer claimed to have founded, or at least owned the domain name for.

"I don't think Bannon or Trump are identitarians or alt-rightists," Spencer explained while camped out just over CPAC's property line at the Gaylord. They were not, like Spencer, philosophic racists (itself different from a knee-jerk racist). "But they are open to these ideas. And open to the people who are open to these ideas. We're the spice in the mix."

Spencer was right. Trump and Bannon, with Sessions in the mix, too, had come closer than any major national politician since the Civil Rights movement to tolerating a race-tinged political view.

"Trump has said things that conservatives never would have thought… . His criticism of the Iraq War, bashing the Bush family, I couldn't believe he did that … but he did … . Fuck them … if at the end of the day an Anglo Wasp family produces Jeb and W then clearly that's a clear sign of denegation… . And now they marry Mexicans … Jeb's wife … he married his housekeeper or something.

"In Trump's 2011 CPAC address he specifically calls for a relaxation of immigration restrictions for Europeans … that we should re-create an America that was far more stable and more beautiful… . No other conservative politician would say those things … but on the other hand pretty much everyone thought it … so it's powerful to say it… . Clearly [there's] a normalization process going on."

"We are the Trump vanguard. The left will say Trump is a nationalist and an implicit or quasi-racialist. Conservatives, because they are just so douchey, say Oh, no, of course not, he's a constitutionalist, or whatever. We on the alt-right will say, He is a nationalist and he is a racialist. His movement is a white movement. Duh."

Looking very satisfied with himself, Spencer paused and then said: "We give him a kind of permission."

* * *

Nearby, in the Gaylord atrium, Rebekah Mercer sat having a snack with her home-schooled daughter and her friend and fellow conservative donor Allie Hanley. Both women agreed that the president's CPAC speech showed him at his most gracious and charming.

10

GQLDMAN

The Jarvanka side of the White House increasingly felt that rumors leaked by Bannon and his allies were undermining them. Jared and Ivanka, ever eager to enhance their status as the adults in the room, felt personally wounded by these backdoor attacks. Kushner, in fact, now believed Bannon would do anything to destroy them. This was personal. After months of defending Bannon against liberal media innuendo, Kushner had concluded that Bannon was an anti-Semite. That was the bottom-line issue. This was a complicated and frustrating business—and quite hard to communicate to his father-in-law—because one of Bannon's accusations against Kushner, the administration's point person on the Middle East, was that he was not nearly tough enough in his defense of Israel.

After the election, the Fox News anchor Tucker Carlson with sly jocularity privately pointed out to the president that by offhandedly giving the Israel portfolio to his son-in-law—who would, Trump said, make peace in the Middle East—he hadn't really done Kushner any favors.

"I know," replied Trump, quite enjoying the joke.

Jews and Israel were a curious Trump subtext. Trump's brutish father was an often vocal anti-Semite. In the split in New York real estate between the Jews and non-Jews, the Trumps were clearly on the lesser side. The Jews were white shoe, and Donald Trump, even more than his father, was perceived as a vulgarian—after all, he put his name on his buildings, quite a déclassé thing to do. (Ironically, this proved to be a significant advance in real estate marketing and, arguably, Trump's greatest accomplishment as a developer—branding buildings.) But Trump had grown up and built his business in New York, the world's largest Jewish city. He had made his reputation in the media, that most Jewish of industries, with some keen understanding of media tribal dynamics. His mentor, Roy Cohn, was a demimonde, semiunderworld, tough-guy Jew. He courted other figures he considered "tough-guy Jews" (one of his accolades): Carl Icahn, the billionaire hedge funder; Ike Perlmutter, the billionaire investor who had bought and sold Marvel Comics; Ronald Perelman, the billionaire Revlon chairman; Steven Roth, the New York billionaire real estate tycoon; and Sheldon Adelson, the billionaire casino magnate. Trump had

adopted a sort of 1950s Jewish uncle (tough-guy variety) delivery, with assorted Yiddishisms—Hillary Clinton, he declared, had been "shlonged" in the 2008 primary—helping to give an inarticulate man an unexpected expressiveness. Now his daughter, a de facto First Lady, was, through her conversion, the first Jew in the White House.

The Trump campaign and the White House were constantly supplying off-note messages about Jews, from their equivocal regard for David Duke to their apparent desire to tinker with Holocaust history—or at least tendency to stumble over it. At one point early in the campaign, Trump's son-in-law, challenged by his own staff at the *New York Observer* and feeling pressure about his own bona fides, as well as seeking to stand by his father-in-law, wrote an impassioned defense of Trump in an attempt to prove that he was not an anti-Semite. For his efforts, Jared was rebuked by various members of his own family, who clearly seemed worried about both the direction of Trumpism and Jared's opportunism.

There was also the flirtation with European populism. Whenever possible, Trump seemed to side with and stoke Europe's rising right, with its anti-Semitic associations, piling on more portent and bad vibes. And then there was Bannon, who had allowed himself to become—through his orchestration of right-wing media themes and stoking of liberal outrage—a winking suggestion of anti-Semitism. It was certainly good right-wing business to annoy liberal Jews.

Kushner, for his part, was the prepped-out social climber who had rebuffed all entreaties in the past to support traditional Jewish organizations. When called upon, the billionaire scion had refused to contribute. Nobody was more perplexed by the sudden rise of Jared Kushner to his new position as Israel's great protector than U.S. Jewish organizations. Now, the Jewish great and the good, the venerated and the tried, the mandarins and myrmidons, had to pay court to Jared Kushner … who until little more than a few minutes ago had truly been a nobody.

For Trump, giving Israel to Kushner was not only a test, it was a Jewish test: the president was singling him out for being Jewish, rewarding him for being Jewish, saddling him with an impossible hurdle for being Jewish—and, too, defaulting to the stereotyping belief in the negotiating powers of Jews. "Henry Kissinger says Jared is going to be the new Henry Kissinger," Trump said more than once, rather a combined compliment and slur.

Bannon, meanwhile, did not hesitate to ding Kushner on Israel, that peculiar right-wing litmus test. Bannon could bait Jews—globalist, cosmopolitan, Davoscentric liberal Jews like Kushner—because the farther right you were, the more correct you were on Israel. Netanyahu was an old Kushner family friend, but when, in the fall, the Israeli prime minister came to New York to meet with Trump and Kushner, he made a point of seeking out Steve Bannon.

On Israel, Bannon had partnered with Sheldon Adelson, titan of Las Vegas, big-check right-wing contributor, and, in the president's mind, quite the toughest tough-guy Jew (that is, the richest). Adelson regularly disparaged Kushner's motives and abilities. The president, to Bannon's great satisfaction, kept telling his son-in-law, as he strategized on Israel, to check with Sheldon and, hence, Bannon.

Bannon's effort to grab the stronger-on-Israel label was deeply confounding to Kushner, who had been raised as an Orthodox Jew. His closest lieutenants in the White House, Avi Berkowitz and Josh Raffel, were Orthodox Jews. On Friday afternoons, all Kushner business in the White House stopped before sunset for the Sabbath observance.

For Kushner, Bannon's right-wing defense of Israel, embraced by Trump, somehow became a jujitsu piece of anti-Semitism aimed directly at him. Bannon seemed determined to make Kushner appear weak and inadequate—a cuck, in alt-right speak.

So Kushner had struck back, bringing into the White House his own tough-guy Jews—Goldman Jews.

* * *

Kushner had pushed for the then president of Goldman Sachs, Gary Cohn, to run the National Economic Council and to be the president's chief economic adviser. Bannon's choice had been CNBC's conservative anchor and commentator Larry Kudlow. For Trump, the Goldman cachet outdrew even a television personality.

It was a Richie Rich moment. Kushner had been a summer intern at Goldman when Cohn was head of commodities trading. Cohn then became president of Goldman in 2006. Once Cohn joined Trump's team, Kushner often found occasion to mention that the president of Goldman Sachs was working for him. Bannon, depending on whom he wanted to slight, either referred to Kushner as Cohn's intern or pointed out that Cohn was now working for his intern. The president, for his part, was continually pulling Cohn into meetings, especially with foreign leaders, just to introduce him as the former president of Goldman Sachs.

Bannon had announced himself as Trump's brain, a boast that vastly irritated the president. But in Cohn, Kushner saw a better brain for the White House: not only was it much more politic for Cohn to be Kushner's brain than Trump's, but installing Cohn was the perfect countermove to Bannon's chaos management philosophy. Cohn was the only person in the West Wing who had ever managed a large organization (Goldman has thirty-five thousand employees). And, not to put too fine a point on it—though Kushner was happy to do so—Bannon had rolled out of Goldman having barely reached midlevel management status, whereas Cohn, his contemporary, had continued on to the firm's highest level, making hundreds of millions of dollars in the process. Cohn—a Democrat globalist-cosmopolitan Manhattanite who voted for Hillary Clinton and who still spoke frequently to former Goldman chief and former Democratic New Jersey senator and

governor Jon Corzine—immediately became Bannon's antithesis.

For Bannon, the ideologue, Cohn was the exact inverse, a commodities trader doing what traders do—read the room and figure out which way the wind is blowing. "Getting Gary to take a position on something is like nailing butterflies to the wall," commented Katie Walsh.

Cohn started to describe a soon-to-be White House that would be business-focused and committed to advancing center-right to moderate positions. In this new configuration, Bannon would be marginalized and Cohn, who was dismissive of Priebus, would be the chief of staff in waiting. To Cohn, it seemed like easy street. Of course it would work out this way: Priebus was a lightweight and Bannon a slob who couldn't run anything.

Within weeks of Cohn's arrival on the transition team, Bannon nixed Cohn's plan to expand the National Economic Council by as many as thirty people. (Kushner, not to be denied, nixed Bannon's plan to have David Bossie build and lead his staff.) Bannon also retailed the likely not-too-far-off-the-mark view (or, anyway, a popular view inside Goldman Sachs) that Cohn, once slated to become Goldman's CEO, had been forced out for an untoward Haig-like grasping for power—in 1981 then secretary of state Alexander Haig had tried to insist he held the power after Ronald Reagan was shot—when Goldman CEO Lloyd Blankfein underwent cancer treatment. In the Bannon version, Kushner had bought damaged goods. The White House was clearly Cohn's professional lifeline—why else would he have come into the Trump administration? (Much of this was retailed to reporters by Sam Nunberg, the former Trump factotum who was now doing duty for Bannon. Nunberg was frank about his tactics: "I beat the shit out of Gary whenever possible.")

It is a measure of the power of blood (or blood by marriage), and likely the power of Goldman Sachs, too, that in the middle of a Republican-controlled Washington and a virulent, if not anti-Semitic (at least toward liberal Jews), right-wing West Wing, the Kushner-Cohn Democrats appeared to be ascendant. Part of the credit went to Kushner, who showed an unexpected tenacity. Conflict averse—in the Kushner household, his father, monopolizing all the conflict, forced everyone else to be a mollifier—confronting neither Bannon nor his father-in-law, he began to see himself in a stoic sense: he was the last man of moderation, the true figure of self-effacement, the necessary ballast of the ship. This would all be made manifest by a spectacular accomplishment. He would complete the mission his father-in-law had foisted on him, the one he was more and more seeing as his, yes, destiny. He *would* make peace in the Middle East.

"He's going to make peace in the Middle East," Bannon said often, his voice reverent and his expression deadpan, cracking up all the Bannonites.

So in one sense Kushner was a figure of heightened foolishness and ridicule. In another, he was a man, encouraged by his wife and by Cohn, who saw himself on the

world stage carrying out a singular mission.

Here was yet another battle to be won or lost. Bannon regarded Kushner and Cohn (and Ivanka) as occupying an alternative reality that had little bearing on the real Trump revolution. Kushner and Cohn saw Bannon as not just destructive but self-destructive, and they were confident he would destroy himself before he destroyed them.

In the Trump White House, observed Henry Kissinger, "it is a war between the Jews and the non-Jews."

* * *

For Dina Powell, the other Goldman hire in the West Wing, the main consideration when Ivanka pitched her on coming to work at the White House was the downside assessment of being associated with a Trump presidency. Powell ran the Goldman Sachs philanthropic arm, a public relations initiative as well as a courtship of the increasingly powerful pools of philanthropic money. Representing Goldman, she had become something of a legend at Davos, a supreme networker among the world's supreme networkers. She stood at an intersection of image and fortune, in a world increasingly swayed by private wealth and personal brands.

It was a function of both her ambition and Ivanka Trump's sales talents during swift meetings in New York and Washington that Powell, swallowing her doubts, had come on board. That, and the politically risky but high-return gamble that she, aligned with Jared and Ivanka, and working closely with Cohn, her Goldman friend and ally, could take over the White House. That was the implicit plan: nothing less. Specifically, the idea was that Cohn or Powell—and quite possibly both over the course of the next four or eight years—would, as Bannon and Priebus faltered, come to hold the chief of staff job. The president's own constant grumbling about Bannon and Priebus, noted by Ivanka, encouraged this scenario.

This was no small point: a motivating force behind Powell's move was the certain belief on the part of Jared and Ivanka (a belief that Cohn and Powell found convincing) that the White House was theirs to take. For Cohn and Powell, the offer to join the Trump administration was transmuted beyond opportunity and became something like duty. It would be their job, working with Jared and Ivanka, to help manage and shape a White House that might otherwise become the opposite of the reason and moderation they could bring. They could be instrumental in saving the place—and, as well, take a quantum personal leap forward.

More immediately for Ivanka, who was focused on concerns about women in the Trump White House, Powell was an image correction to Kellyanne Conway, whom, quite apart from their war with Bannon, Ivanka and Jared disdained. Conway, who continued to hold the president's favor and to be his preferred defender on the cable news shows, had publicly declared herself the face of the administration—and for Ivanka and Jared, this

was a horrifying face. The president's worst impulses seem to run through Conway without benefit of a filter. She compounded Trump's anger, impulsiveness, and miscues. Whereas a presidential adviser was supposed to buffer and interpret his gut calls, Conway expressed them, doubled down on them, made opera out of them. She took Trump's demand for loyalty too literally. In Ivanka and Jared's view, Conway was a cussed, antagonistic, self-dramatizing cable head, and Powell, they hoped, would be a deliberate, circumspect, adult guest on the Sunday morning shows.

By late February, after the first helter-skelter month in the West Wing, the campaign by Jared and Ivanka to undermine Bannon seemed to be working. The couple had created a feedback loop, which included Scarborough and Murdoch, that reinforced the president's deep annoyance with and frustration about Bannon's purported importance in the White House. For weeks after the *Time* magazine cover story featuring Bannon, there was hardly a conversation in which Trump didn't refer to it bitterly. ("He views *Time* covers as zero sum," said Roger Ailes. "If someone else gets on it, he doesn't.") Scarborough, cruelly, kept up a constant patter about President Bannon. Murdoch forcefully lectured the president about the oddness and extremism of Bannonism, linking Bannon with Ailes: "They're both crazy," he told Trump.

Kushner also pressed the view to the president—ever phobic about any age-related weakness—that the sixty-three-year-old Bannon wouldn't hold up under the strain of working in the White House. Indeed, Bannon was working sixteen- and eighteen-hour days, seven days a week, and, for fear of missing a presidential summons or afraid that someone else might grab it, he considered himself on call pretty much all night. As the weeks went by, Bannon seemed physically to deteriorate in front of everybody's eyes: his face became more puffy, his legs more swollen, his eyes more bleary, his clothes more slept in, his attention more distracted.

* * *

As Trump's second month in office began, the Jared-Ivanka-Gary-Dina camp focused on the president's February 28 speech to the joint session of Congress.

"Reset," declared Kushner. "Total reset."

The occasion provided an ideal opportunity. Trump would have to deliver the speech in front of him. It was not only on the teleprompter but distributed widely beforehand. What's more, the well-mannered crowd wouldn't egg him on. His handlers were in control. And for this occasion at least, Jared-Ivanka-Gary-Dina were the handlers.

"Steve will take credit for this speech if there's even one word of his in it," Ivanka told her father. She knew well that for Trump, credit, much more than content, was the hot-button driver, and her comment ensured that Trump would keep it out of Bannon's hands.

"The Goldman speech," Bannon called it.

The inaugural, largely written by Bannon and Stephen Miller, had shocked Jared and Ivanka. But a particular peculiarity of the Trump White House, compounding its messaging problems, was its lack of a speech-writing team. There was the literate and highly verbal Bannon, who did not really do any actual writing himself; there was Stephen Miller, who did little more than produce bullet points. Beyond that, it was pretty much just catch as catch can. There was a lack of coherent message because there was nobody to write a coherent message—just one more instance of disregarding political craft.

Ivanka grabbed firm control of the joint session draft and quickly began pulling in contributions from the Jarvanka camp. In the event, the president behaved exactly as they hoped. Here was an upbeat Trump, a salesman Trump, a nothing-to-be-afraid-of Trump, a happy-warrior Trump. Jared, Ivanka, and all their allies judged it a magnificent night, agreeing that finally, amid the pageantry—*Mr. Speaker, the President of the United States*—the president really did seem presidential. And for once, even the media agreed.

The hours following the president's speech were Trump's best time in the White House. It was, for at least one news cycle, a different presidency. For a moment, there was even something like a crisis of conscience among parts of the media: Had this president been grievously misread? Had the media, the biased media, missed well-intentioned Donald Trump? Was he finally showing his better nature? The president himself spent almost two full days doing nothing but reviewing his good press. He had arrived, finally, at a balmy shore (with appreciative natives on the beach). What's more, the success of the speech confirmed the Jared and Ivanka strategy: look for common ground. It also confirmed Ivanka's understanding of her father: he just wanted to be loved. And, likewise, it confirmed Bannon's worst fear: Trump, in his true heart, was a marshmallow.

The Trump on view the night of the joint session was not just a new Trump, but a declaration of a new West Wing brain trust (which Ivanka was making plans to formally join in just a few weeks). Jared and Ivanka, with an assist from their Goldman Sachs advisers, were changing the message, style, and themes of the White House. "Reaching out" was the new theme.

Bannon, hardly helping his cause, cast himself as a Cassandra to anyone who would listen. He insisted that only disaster would come from trying to mollify your mortal enemies. You need to keep taking the fight to them; you're fooling yourself if you believe that compromise is possible. The virtue of Donald Trump—the virtue, anyway, of Donald Trump to Steve Bannon—was that the cosmopolitan elite was never going to accept him. He was, after all, Donald Trump, however much you shined him up.

11

WIRETAP

With three screens in his White House bedroom, the president was his own best cable curator. But for print he depended on Hope Hicks. Hicks, who had been his junior aide for most of the campaign and his spokesperson (although, as he would point out, he was really his own spokesperson), had been, many thought, pushed to the sidelines in the West Wing by the Bannonites, the Goldman wing, and the Priebus-RNC professionals. To the senior staff, she seemed not only too young and too inexperienced—she was famous among campaign reporters for her hard-to-maneuver-in short skirts—but a way-too-overeager yes woman, always in fear of making a mistake, ever tremulously second-guessing herself and looking for Trump's approval. But the president kept rescuing her —"Where's Hope?"—from any oblivion others tried to assign her to. Baffling to almost everyone, Hicks remained his closest and most trusted aide, with, perhaps, the single most important job in this White House: interpreting the media for him in the most positive way it could be interpreted, and buffering him from the media that could not be positively spun.

The day after his "reset" speech before the joint session of Congress presented a certain conundrum for Hicks. Here were the first generally good notices for the administration. But in the *Post*, the *Times*, and the *New Yorker* that day, there was also an ugly bouquet of very bad news. Fortunately the three different stories had not quite sunk into cable, so there was yet a brief respite. And at least for the better part of the day, March 1, Hicks herself did not entirely seem to grasp how bad the news actually was.

The *Washington Post*'s story was built around a leak from a Justice Department source (characterized as a "former senior American official"—hence, most likely someone from the Obama White House) saying that the new attorney general, Jeff Sessions, had, on two occasions, met with the Russian ambassador, Sergey Kislyak.

When the president was shown the story, he didn't see its significance. "So what?" he said.

Well, during his confirmation, it was explained to the president, Sessions had said he

didn't.

Facing Sessions at the January 10 hearing, Al Franken, the former comedian and Democratic senator from Minnesota, appeared to be casting blindly for an elusive fish in his efforts to find a question. Stopping and starting, slogging through his sentence construction, Franken, who had been handed a question based on the just-revealed Steele dossier, got to this end:

> These documents also allegedly say, quote, "There was a continuing exchange of information during the campaign between Trump's surrogates and intermediaries for the Russian government."
>
> Now, again, I'm telling you this as it's coming out, so you know. But if it's true, it's obviously extremely serious and if there is any evidence that anyone affiliated with the Trump campaign communicated with the Russian government in the course of this campaign, what will you do?

Instead of answering Franken's circuitous question—"What will you do?"—with an easy "We will of course investigate and pursue any and all illegal actions," a confused Sessions answered a question he wasn't asked.

> Senator Franken, I'm not aware of any of those activities. I have been called a surrogate at a time or two in that campaign and I didn't have—did not have communications with the Russians, and I'm unable to comment on it.

The president's immediate focus was on the question of why anyone believed that communicating with the Russians was bad. There *is* nothing wrong with that, Trump insisted. As in the past, it was hard to move him off this point and to the issue at hand: a possible lie to Congress. The *Post* story, to the extent that it registered at all, didn't worry him. Supported by Hicks, he saw it a way-long-shot effort to pin something on Sessions. And anyway, Sessions was saying he didn't meet with the Russians as *a campaign surrogate*. So? He didn't. Case closed.

"Fake news," said the president, using his now all-purpose rejoinder.

As for the bad *Times* story, as Hicks related it to the president, it appeared to him to be good news. Briefed by anonymous sources in the Obama administration (*more* anonymous Obama sources), the story revealed a new dimension to the ever growing suggestion of a connection between the Trump campaign and Russian efforts to influence the U.S. election:

> American allies, including the British and the Dutch, had provided information describing meetings in European cities between Russian officials—and others close to Russia's president, Vladimir V. Putin—and associates of President-elect Trump, according to three former American officials who requested anonymity in discussing classified intelligence.

And:

> Separately, American intelligence agencies had intercepted communications of Russian officials, some of them within the Kremlin, discussing contacts with Trump associates.

The story went on:

> Mr. Trump has denied that his campaign had any contact with Russian officials, and at one point he openly suggested that American spy agencies had cooked up intelligence suggesting that the Russian government had tried to meddle in the presidential election. Mr. Trump has accused the Obama administration of hyping the Russia story line as a way to discredit his new administration.

And then the real point:

> At the Obama White House, Mr. Trump's statements stoked fears among some that intelligence could be covered up or destroyed—or its sources exposed—once power changed hands. What followed was a push to preserve the intelligence that underscored the deep anxiety with which the White House and American intelligence agencies had come to view the threat from Moscow.

Here was more confirmation of a central Trump thesis: The previous administration, its own candidate defeated, was not just disregarding the democratic custom of smoothing the way for the winner of the election; rather, in the Trump White House view, Obama's people had plotted with the intelligence community to put land mines in the new administration's way. Secret intelligence was, the story suggested, being widely distributed across intelligence agencies so as to make it easier to leak, and at the same time to protect the leakers. This intelligence, it was rumored, consisted of spreadsheets kept by Susan Rice that listed the Trump team's Russian contacts; borrowing a technique from WikiLeaks, the documents were secreted on a dozen servers in different places. Before this broad distribution, when the information was held tightly, it would have been easy to identify the small pool of leakers. But the Obama administration had significantly expanded that pool.

So this was good news, right? Wasn't this proof, the president asked, that Obama and his people were out to get him? The *Times* story was a leak about a plan to leak—and it provided clear evidence of the deep state.

Hope Hicks, as always, supported Trump's view. The crime was leaking and the culprit was the Obama administration. The Justice Department, the president was confident, was now going to investigate the former president and his people. Finally.

* * *

Hope Hicks also brought to the president a big piece in the *New Yorker*. The magazine had just published an article by three authors—Evan Osnos, David Remnick, and Joshua Yaffa

—attributing Russian aggressiveness to a new cold war. Remnick, the editor of the *New Yorker*, had, since the Trump election, propounded an absolutist view that Trump's election imperiled Democratic norms.

This 13,500-word story—handily connecting the dots of Russia's geopolitical mortification, Putin's ambition, the country's cyber talents, Trump's own nascent authoritarianism, and the U.S. intelligence community's suspicions about Putin and Russia—codified a new narrative as coherent and as apocalyptic as the one about the old cold war. The difference was that in this one, the ultimate result was Donald Trump—he was the nuclear bomb. One of the frequently quoted sources in the article was Ben Rhodes, the Obama aide who, Trump's camp believed, was a key leaker, if not one of the architects of the Obama administration's continued effort to connect Trump and his team to Putin and Russia. Rhodes, many in the White House believed, *was* the deep state. They also believed that every time a leak was credited to "former and current officials," Rhodes was the former official who was in close touch with current officials.

While the article was largely just a dire recapitulation of fears about Putin and Trump, it did, in a parenthesis toward the end of the article—quite burying the lead—connect Jared Kushner to Kislyak, the Russian ambassador, in a meeting in Trump Tower with Michael Flynn in December.

Hicks missed this point; later, it had to be highlighted for the president by Bannon.

Three people in the Trump administration—the former National Security Advisor, the current attorney general, and the president's senior adviser and son-in-law—had now been directly connected to the Russian diplomat.

To Kushner and his wife, this was less than innocent: they would, with a sense of deepening threat, suspect Bannon of leaking the information about Kushner's meeting with Kislyak.

* * *

Few jobs in the Trump administration seemed so right, fitting, and even destined to their holder as Jeff Sessions's appointment as the nation's top law enforcement officer. As he viewed his work as AG, it was his mandate to curb, circumscribe, and undo the interpretation of federal law that had for three generations undermined American culture and offended his own place in it. "This is his life's work," said Steve Bannon.

And Sessions was certainly not going to risk his job over the silly Russia business, with its growing collection of slapstick Trump figures. God knows what those characters were up to—nothing good, everybody assumed. Best to have nothing to do with it.

Without consulting the president or, ostensibly, anyone in the White House, Sessions decided to move as far as possible out of harm's way. On March 2, the day after the *Post* story, he recused himself from anything having to do with the Russia investigation.

The news of the attorney general's recusal exploded like an IED in the White House. Sessions was Trump's protection against an overly aggressive Russian investigation. The president just could not grasp the logic here. He railed to friends: Why would Sessions not want to protect him? What would Sessions gain? Did he think this stuff was real? Sessions needed to do his job!

In fact, Trump already had good reason to worry about the DOJ. The president had a private source, one of his frequent callers, who, he believed, was keeping him abreast of what was going on in the Justice Department—and, the president noted, doing a much better job of it than Sessions himself.

The Trump administration, as a consequence of the Russia story, was involved in a high-stakes bureaucratic push-pull, with the president going outside government to find out what was happening in his own government. The source, a longtime friend with his own DOJ sources—many of the president's rich and powerful friends had their own reasons to keep close tabs on what was happening at the Justice Department—fed the president a bleak picture of a Justice Department and an FBI run amok in its efforts to get him. "Treason" was a word that was being used, the president was told.

"The DOJ," the president's source told him, "was filled with women who hated him." It was an army of lawyers and investigators taking instructions from the former administration. "They want to make Watergate look like Pissgate," the president was told. This comparison confused Trump; he thought his friend was making a reference to the Steele dossier and its tale of the golden showers.

After the attorney general's recusal, the president, whose instinctive reaction to every problem was to fire someone, right away, thought he should just get rid of Sessions. At the same time, there was little doubt in his mind about what was happening here. He knew where this Russia stuff was coming from, and if these Obama people thought they were going to get away with it they had another think coming. He would expose them all!

* * *

One of Jared Kushner's many new patrons was Tony Blair, the former —British prime minister, whom Kushner had gotten to know when, on the banks of the River Jordan in 2010, they both attended the baptism of Grace and Chloe Murdoch, the young daughters of Rupert Murdoch and his then wife, Wendi. Jared and Ivanka had also lived in the same Trump building on Park Avenue where the Murdochs lived (for the Murdochs it was a temporary rental apartment while their grand triplex on Fifth Avenue was —renovated, but the renovation had lasted for four years), and during that period Ivanka Trump had become one of Wendi Murdoch's closest friends. Blair, godfather to Grace, would later be accused by Murdoch of having an affair with his wife, and of being the cause of their breakup (something Blair has categorically denied). In the divorce, Wendi got the Trumps.

But once in the White House, the president's daughter and son-in-law became the

target of a renewed and eager cultivation by, with quite some irony, both Blair and Murdoch. Lacking a circle of influence in almost all of the many areas of government with which he was now involved, Kushner was both susceptible to cultivation and more than a little desperate for the advice his cultivators had to offer. Blair, now with philanthropic, private diplomatic, and varied business interests in the Middle East, was particularly intent on helping shepherd some of Jared's Middle East initiatives.

In February, Blair visited Kushner in the White House.

On this trip, the now freelance diplomat, perhaps seeking to prove his usefulness to this new White House, mentioned a juicy rumor: the possibility that the British had had the Trump campaign staff under surveillance, monitoring its telephone calls and other communications and possibly even Trump himself. This was, as Kushner might understand, the Sabbath goy theory of intelligence. On the Sabbath, observant Jews could not turn on the lights, nor ask someone else to turn on the lights. But if they expressed the view that it would be much easier to see with light, and if a non-Jew then happened to turn them on, that would be fine. So although the Obama administration would not have asked the British to spy on the Trump campaign, the Brits would have been led to understand how helpful it might be if they did.

It was unclear whether the information was rumor, informed conjecture, speculation, or solid stuff. But, as it churned and festered in the president's mind, Kushner and Bannon went out to CIA headquarters in Langley to meet with Mike Pompeo and his deputy director Gina Haspel to check it out. A few days later, the CIA opaquely reported back that the information was not correct; it was a "miscommunication."

* * *

Politics had seemed to become, even well before the age of Trump, a mortal affair. It was now zero-sum: When one side profited, another lost. One side's victory was another's death. The old notion that politics was a trader's game, an understanding that somebody else had something you wanted—a vote, goodwill, old-fashioned patronage—and that in the end the only issue was cost, had gone out of fashion. Now it was a battle between good and evil.

Curiously, for a man who seemed to have led a movement based in anger and retribution, Trump was very much (or believed he was very much) a politician of the old stripe—a let's-work-it-out guy. You scratch my back, I'll scratch yours. He was, in his mind, the ultimate tactician, always knowing what the other guy wanted.

Steve Bannon had pressed him to invoke Andrew Jackson as his populist model, and he had loaded up on Jackson books (they remained unread). But his real beau ideal was Lyndon Johnson. LBJ was a big man who could knock heads, do deals, and bend lesser men to his will. Trade it out so in the end everyone got something, and the better dealmaker got a little more. (Trump did not, however, appreciate the irony of where

Lyndon Johnson ended up—one of the first modern politicians to have found himself on the wrong end of both mortal and moral politics.)

But now, after little more than seven weeks in office, Trump saw his own predicament as unique and overwhelming. Like no other president before (though he did make some allowances for Bill Clinton), his enemies were out to get him. Worse, the system was rigged against him. The bureaucratic swamp, the intelligence agencies, the unfair courts, the lying media—they were all lined up against him. This was, for his senior staff, a reliable topic of conversation with him: the possible martyrdom of Donald Trump.

In the president's nighttime calls, he kept coming back to how unfair this was, and to what Tony Blair had said—and others, too! It all added up. There was a plot against him.

Now, it was certainly true that Trump's closest staff appreciated his volatility, and, to a person, was alarmed by it. At points on the day's spectrum of adverse political developments, he could have moments of, almost everyone would admit, irrationality. When that happened, he was alone in his anger and not approachable by anyone. His senior staff largely dealt with these dark hours by agreeing with him, no matter what he said. And if some of them occasionally tried to hedge, Hope Hicks never did. She agreed absolutely with all of it.

At Mar-a-Lago on the evening of March 3, the president watched Bret Baier interview Paul Ryan on Fox. Baier asked the Speaker about a report on the online news site Circa—owned by Sinclair, the conservative broadcast group—involving allegations that Trump Tower had been surveilled during the campaign.

On March 4, Trump's early morning tweets began:

> Terrible! Just found out that Obama had my "wires tapped" in Trump Tower just before the victory. Nothing found. This is McCarthyism! (4:35 a.m.)
>
> Is it legal for a sitting President to be "wire tapping" a race for president prior to an election? Turned down by court earlier. A NEW LOW! (4:49 a.m.)
>
> How low has President Obama gone to tap my phones during the very sacred election process. This is Nixon/Watergate. Bad (or sick) guy! (5:02 a.m.)

At 6:40 he called Priebus, waking him up. "Did you see my tweet?" he asked. "We've caught them red-handed!" Then the president held his phone so Priebus could hear the playback of the Baier show.

He had no interest in precision, or even any ability to be precise. This was pure public exclamation, a window into pain and frustration. With his misspellings and his use of 1970s lingo—"wire tapping" called up an image of FBI agents crouched in a van on Fifth Avenue—it seemed kooky and farcical. Of the many tweets that Trump had seemed to hoist himself by, from the point of view of the media, intelligence community, and extremely satisfied Democrats, the wiretap tweets had pulled him highest and most left him dangling in ignorance and embarrassment.

According to CNN, "Two former senior U.S. officials quickly dismissed Trump's accusations out of hand. 'Just nonsense,' said one former senior U.S. intelligence official." Inside the White House, the "just nonsense" quote was thought to be from Ben Rhodes, offered in cat-that-swallowed-the-canary fashion.

Ryan, for his part, told Priebus he had no idea what Baier was talking about and that he was just BSing through the interview.

But if tapping Trump's phones wasn't literally true, there was a sudden effort to find something that might be, and a frantic White House dished up a Breitbart article that linked to a piece by Louise Mensch, a former British politician who, now living in the United States, had become a kind of conspiracy-central of the Trump-Russia connection.

There was a further effort to push aggressive incidental collection and unmasking back onto the Obama White House. But in the end, this was another—and to some quite the ultimate—example of how difficult it was for the president to function in a literal, definitional, lawyerly, cause-and-effect political world.

It was a turning point. Until now, Trump's inner circle had been mostly game to defend him. But after the wiretap tweets, everybody, save perhaps Hope Hicks, moved into a state of queasy sheepishness, if not constant incredulity.

Sean Spicer, for one, kept repeating his daily, if not hourly, mantra: "You can't make this shit up."

12

REPEAL AND REPLACE

A few days after the election, Steve Bannon told the president-elect—in what Katie Walsh would characterize with a raised eyebrow as more "Breitbart shenanigans"—that they had the votes to replace Paul Ryan as Speaker of the House with Mark Meadows, the head of the Tea Party-inspired Freedom Caucus and an early Trump supporter. (Meadows's wife had a particular place of regard in the Trump camp for continuing a campaign swing across the Bible Belt over Billy Bush weekend.)

Nearly as much as winning the presidency itself, removing Ryan—indeed, humiliating him—was an ultimate expression of what Bannon sought to accomplish and of the mind-meld of Bannonism and Trumpism. From the beginning, the Breitbart campaign *against* Paul Ryan was a central part of its campaign *for* Donald Trump. Its embrace of Trump, and Bannon's personal enlistment in the campaign fourteen months after it began, was in part because Trump, throwing political sense to the wind, was willing to lead the charge against Ryan and the GOP godfathers. Still, there was a difference between the way Breitbart viewed Ryan and the way Trump viewed him.

For Breitbart, the House rebellion and transformation that had driven the former Speaker, John Boehner, from office, and which, plausibly, was set to remake the House into the center of the new radical Republicanism had been halted by Ryan's election as Speaker. Mitt Romney's running mate, and a figure who had merged a conservative fiscal wonkishness—he had been the chairman of the House Ways and Means Committee and, as well, chairman of the House Budget Committee—with an old-fashioned idea of unassailable Republican rectitude, Ryan was the official last, best hope of the Republican Party. (Bannon, typically, had turned this trope into an official Trumpist talking point: "Ryan was created in a petri dish at the Heritage Foundation.") If the Republican Party had been moved further right by the Tea Party rebellion, Ryan was part of the ballast that would prevent it from moving further, or at least at a vastly slower pace. In this he represented an adult, older-brother steadiness in contrast to the Tea Party's ADD-hyper immaturity—and a stoic, almost martyrlike resistance to the Trump movement.

Where the Republican establishment had promoted Ryan into this figure of not only

maturity but sagaciousness, the Tea Party-Bannon-Breitbart wing mounted an ad hominem campaign pushing an image of Ryan as uncommitted to the cause, an inept strategist and incompetent leader. He was the Tea Party-Bannon-Breitbart punch line: the ultimate empty suit, a hee-haw sort of joke and an embarrassment.

Trump's distaste for Ryan was significantly less structural. He had no views about Ryan's political abilities, and had paid no real attention to Ryan's actual positions. His view was personal. Ryan had insulted him—again and again. Ryan had kept betting against him. Ryan had become the effective symbol of the Republican establishment's horror and disbelief about Trump. Adding insult to injury, Ryan had even achieved some moral stature by dissing Trump (and, as usual, he considered anybody's gain at his expense a double insult). By the spring of 2016, Ryan was still, and by then the only, alternative to Trump as the nominee. Say the word, many Republicans felt, and the convention would stampede to Ryan. But Ryan's seemingly smarter calculation was to let Trump win the nomination, and then to emerge as the obvious figure to lead the party after Trump's historic defeat and the inevitable purge of the Tea Party-Trump-Breitbart wing.

Instead, the election destroyed Paul Ryan, at least in Steve Bannon's eyes. Trump had not only saved the Republican Party but had given it a powerful majority. The entire Bannon dream had been realized. The Tea Party movement, with Trump as its remarkable face and voice, had come to power—something like total power. It owned the Republican Party. Publicly breaking Paul Ryan was the obvious and necessary step.

But a great deal could fall into the chasm between Bannon's structural contempt for Ryan and Trump's personal resentment. If Bannon saw Ryan as being unwilling and unable to carry out the new Bannon-Trump agenda, Trump saw a chastened Ryan as suddenly and satisfyingly abject, submissive, and useful. Bannon wanted to get rid of the entire Republican establishment; Trump was wholly satisfied that it now seemed to bend to him.

"He's quite a smart guy," Trump said after his first postelection conversation with the Speaker. "A very serious man. Everybody respects him."

Ryan, "rising to a movie-version level of flattery and sucking-up painful to witness," according to one senior Trump aide, was able to delay his execution. As Bannon pressed his case for Meadows—who was significantly less yielding than Ryan—Trump dithered and then finally decided that not only was he *not* going to push for Ryan's ouster, but Ryan was going to be his man, his partner. In an example of the odd and unpredictable effects of personal chemistry on Trump—of how easy it can be to sell the salesman—Trump would now eagerly back Ryan's agenda instead of the other way around.

"I don't think that we quite calculated that the president would give him carte blanche," reflected Katie Walsh. "The president and Paul went from such a bad place during the campaign to such a romance afterward that the president was happy to go along with

whatever he wanted."

It didn't exactly surprise Bannon when Trump flipped; Bannon understood how easy it was to bullshit a bullshitter. Bannon also recognized that the Ryan rapprochement spoke to Trump's new appreciation of where he found himself. It was not just that Ryan had been willing to bow to Trump, but that Trump was willing to bow to his own fears about how little he actually knew about being president. If Ryan could be counted on to handle Congress, thought the president, well, phew, that takes care of that.

* * *

Trump had little or no interest in the central Republican goal of repealing Obamacare. An overweight seventy-year-old man with various physical phobias (for instance, he lied about his height to keep from having a body mass index that would label him as obese), he personally found health care and medical treatments of all kinds a distasteful subject. The details of the contested legislation were, to him, particularly boring; his attention would begin wandering from the first words of a policy discussion. He would have been able to enumerate few of the particulars of Obamacare—other than expressing glee about the silly Obama pledge that everyone could keep his or her doctor—and he certainly could not make any kind of meaningful distinction, positive or negative, between the health care system before Obamacare and the one after.

Prior to his presidency, he had likely never had a meaningful discussion in his life about health insurance. "No one in the country, or on earth, has given less thought to health insurance than Donald," said Roger Ailes. Pressed in a campaign interview about the importance of Obamacare repeal and reform, Trump was, to say the least, quite unsure of its place on the agenda: "This is an important subject but there are a lot of important subjects. Maybe it is in the top ten. Probably is. But there is heavy competition. So you can't be certain. Could be twelve. Or could be fifteen. Definitely top twenty for sure."

It was another one of his counterintuitive connections to many voters: Obama and Hillary Clinton seemed actually to want to talk about health care plans, whereas Trump, like most everybody else, absolutely did not.

All things considered, he probably preferred the notion of more people having health insurance than fewer people having it. He was even, when push came to shove, rather more for Obamacare than for repealing Obamacare. As well, he had made a set of rash Obama-like promises, going so far as to say that under a forthcoming Trumpcare plan (he had to be strongly discouraged from using this kind of rebranding—political wise men told him that this was one instance where he might not want to claim ownership with his name), no one would lose their health insurance, and that preexisting conditions would continue to be covered. In fact, he probably favored government-funded health care more than any other Republican. "Why can't Medicare simply cover everybody?" he had impatiently wondered aloud during one discussion with aides, all of whom were careful

not to react to this heresy.

It was Bannon who held the line, insisting, sternly, that Obamacare was a litmus Republican issue, and that, holding a majority in Congress, they could not face Republican voters without having made good on the by now Republican catechism of repeal. Repeal, in Bannon's view, was the pledge, and repeal would be the most satisfying, even cathartic, result. It would also be the easiest one to achieve, since virtually every Republican was already publicly committed to voting for repeal. But Bannon, seeing health care as a weak link in Bannonism-Trumpism's appeal to the workingman, was careful to take a back seat in the debate. Later, he hardly even made an effort to rationalize how he'd washed his hands of the mess, saying just, "I hung back on health care because it's not my thing."

It was Ryan who, with "repeal and replace," obfuscated the issue and won over Trump. Repeal would satisfy the Republican bottom line, while replace would satisfy the otherwise off-the-cuff pledges that Trump had made on his own. (Pay no attention to the likelihood that what the president construed as repeal and replace might be very different from what Ryan construed as repeal and replace.) "Repeal and replace" was a useful slogan, too, in that it came to have meaning without having any actual or specific meaning.

The week after the election, Ryan, bringing Tom Price—the Georgia congressman and orthopedist who had become Ryan's resident heath care expert—traveled to Trump's Bedminster, New Jersey, estate for a repeal and replace briefing. The two men summed up for Trump—who kept wandering off topic and trying to turn the conversation to golf—seven years of Republican legislative thinking about Obamacare and the Republican alternatives. Here was a perfect example of an essential Trump paradigm: he acceded to anyone who seemed to know more about any issue he didn't care about, or simply one whose details he couldn't bring himself to focus on closely. *Great!* he would say, punctuating every statement with a similar exclamation and regularly making an effort to jump from his chair. On the spot, Trump eagerly agreed to let Ryan run the health care bill and to make Price the Health and Human Services secretary.

Kushner, largely staying silent during the health care debate, publicly seemed to accept the fact that a Republican administration had to address Obamacare, but he privately suggested that he was personally against both repeal alone and repeal and replace. He and his wife took a conventional Democratic view on Obamacare (it was better than the alternatives; its problems could be fixed in the future) and strategically believed it was best for the new administration to get some easier victories under its belt before entering a hard-to-win or no-win fight. (What's more, Kushner's brother Josh ran a health insurance company that depended on Obamacare.)

Not for the last time, then, the White House would be divided along the political spectrum, Bannon taking an absolutist base position, Priebus aligned with Ryan in support of the Republican leadership, and Kushner maintaining, and seeing no contradiction in, a

moderate Democratic view. As for Trump himself, here was a man who was simply trying to get out from under something he didn't especially care about.

Ryan and Priebus's salesmanship promised to get the president out from under other issues as well. Health care reform, according to the Ryan plan, was something of a magic bullet. The reform the Speaker would push through Congress would fund the tax cuts Trump had guaranteed, which, in turn, would make all that Trump-promised infrastructure investment possible.

On this basis—this domino theory that was meant to triumphantly carry the Trump administration through to the August recess and mark it as one of the most transformational presidencies in modern times—Ryan kept his job as Speaker, rising from hated campaign symbol to the administration's man on the Hill. In effect, the president, quite aware of his and his staff's inexperience in drafting legislation (in fact, nobody on his senior staff had any experience at all), decided to outsource his agenda—and to a heretofore archenemy.

Watching Ryan steal the legislative initiative during the transition, Bannon faced an early realpolitik moment. If the president was willing to cede major initiatives, Bannon would need to run a counteroperation and be ready with more Breitbart shenanigans. Kushner, for his part, developed a certain Zen—you just had to go with the president's whims. As for the president, it was quite clear that deciding between contradictory policy approaches was not his style of leadership. He simply hoped that difficult decisions would make themselves.

* * *

Bannon was not merely contemptuous of Ryan's ideology; he had no respect, either, for his craft. In Bannon's view, what the new Republican majority needed was a man like John McCormick, the Democratic Speaker of the House who had served during Bannon's teenage years and had shepherded Johnson's Great Society legislation. McCormick and other Democrats from the 1960s were Bannon's political heroes—put Tip O'Neill in that pantheon, too. An Irish Catholic working-class man was philosophically separate from aristocrats and gentry—and without aspirations to be either. Bannon venerated old-fashioned pols. He looked like one himself: liver spots, jowls, edema. And he hated modern politicians; they lacked, in addition to political talents, authenticity and soul. Ryan was an Irish Catholic altar boy who had stayed an altar boy. He had not grown up to be a thug, cop, or priest—or a true politician.

Ryan certainly wasn't a vote counter. He was a benighted figure who had no ability to see around corners. His heart was in tax reform, but as far as he could tell the only path to tax reform was through health care. But he cared so little about the issue that—just as the White House had outsourced health care to him—he outsourced the writing of the bill to insurance companies and K Street lobbyists.

In fact, Ryan had tried to act like McCormick or O'Neill, offering absolute assurances of his hold on the legislation. It was, he told the president during his several daily calls, a "done deal." Trump's trust in Ryan rose still higher, and it seemed to become in his own mind proof that he had achieved a kind of mastery over the Hill. If the president had been worried, he was worried no more. Done deal. The White House, having had to sweat hardly at all, was about to get a big victory, bragged Kushner, embracing the expected win over his dislike of the bill.

The sudden concern that the outcome might be otherwise began in early March. Katie Walsh, who Kushner now described as "demanding and petulant," began to sound the alarm. But her efforts to personally involve the president in vote collecting were blocked by Kushner in a set of increasingly tense face-offs. The unraveling had begun.

* * *

Trump still dismissively called it "the Russian thing—a whole lot of nothing." But on March 20, FBI director James Comey appeared before the House Intelligence Committee and tied the story up in a neat package:

> I have been authorized by the Department of Justice to confirm that the FBI, as part of our counterintelligence mission, is investigating the Russian government's efforts to interfere in the 2016 presidential election, and that includes investigating the nature of any links between individuals associated with the Trump campaign and the Russian government and whether there was any coordination between the campaign and Russia's efforts. As with any counter intelligence investigation, this will also include an assessment of whether any crimes were committed. Because it is an open, ongoing investigation and is classified I cannot say more about what we are doing and whose conduct we are examining.

He had, however, said quite enough. Comey converted rumor, leaks, theory, innuendo, and pundit hot air—and until this moment that was all there was, at best the hope of a scandal—into a formal pursuit of the White House. Efforts to pooh-pooh the narrative—the fake news label, the president's germaphobe defense against the golden shower accusations, the haughty dismissal of minor associates and hopeless hangers-on, the plaintive, if real, insistence that no crime had even been alleged, and the president's charge that he was the victim of an Obama wiretap—had failed. Comey himself dismissed the wiretap allegation. By the evening of Comey's appearance, it was evident to everyone that the Russia plot line, far from petering out, had a mighty and bloody life to come.

Kushner, ever mindful of his father's collision with the Justice Department, was especially agitated by Comey's increasing focus on the White House. Doing something about Comey became a Kushner theme. What can we do about him? was a constant question. And it was one he kept raising with the president.

Yet this was also—as Bannon, without too much internal success, tried to explain—a

structural issue. It was an opposition move. You could express surprise at how fierce, creative, and diabolical the moves turned out to be, but you shouldn't be surprised that your enemies would try to hurt you. This was check, but far from checkmate, and you had to continue to play the game, knowing that it would be a very long one. The only way to win the game, Bannon argued, was with a disciplined strategy.

But the president, prodded here by his family, was an obsessive and not a strategist. In his mind, this was not a problem to address, this was a person to focus on: Comey. Trump eschewed abstractions and, ad hominem, zeroed in on his opponent. Comey had been a difficult puzzle for Trump: Comey had declined to have the FBI pursue charges against Clinton for her email dodge. Then, in October, Comey had single-handedly boosted Trump's fortunes with the letter reopening the Clinton email investigation.

In their personal interactions, Trump had found Comey to be a stiff—he had no banter, no game. But Trump, who invariably thought people found him irresistible, believed that Comey admired *his* banter and game. When pressed, by Bannon and others, to fire Comey as one of his early acts—an idea opposed by Kushner, and thus another bullet on Bannon's list of bad recommendations by Kushner—the president said, "Don't worry, I've got him." That is, he had no doubt that he could woo and flatter the FBI director into positive feeling for him, if not outright submission.

Some seducers are preternaturally sensitive to the signals of those they try to seduce; others indiscriminately attempt to seduce, and, by the law of averages, often succeed (this latter group of men might now be regarded as harassers). That was Trump's approach to women—pleased when he scored, unconcerned when he didn't (and, often, despite the evidence, believing that he had). And so it was with Director Comey.

In their several meetings since he took office—when Comey received a presidential hug on January 22; at their dinner on January 27, during which Comey was asked to stay on as FBI director; at their Valentine's Day chat after emptying the office of everybody else, including Sessions, Comey's titular boss—Trump was confident that he had laid on the moves. The president was all but certain that Comey, understanding that he, Trump, had his back (i.e., had let him keep his job), would have Trump's back, too.

But now this testimony. It made no sense. What *did* make sense to Trump was that Comey wanted it to be about him. He was a media whore—this Trump understood. All right, then, he, too, could play it this way.

Indeed, health care, a no-fun issue—suddenly becoming much less fun, if, as seemed increasingly possible, Ryan couldn't deliver—palled before the clarity of Comey, and the fury, enmity, and bitterness Trump, and Trump's relatives, now bore him.

Comey was the larger-than-life problem. Taking Comey down was the obvious solution. Getting Comey became the mission.

In Keystone Cops fashion, the White House enlisted House Intelligence Committee

chairman Devin Nunes in a farcical effort to discredit Comey and support the wiretap theory. The scheme shortly collapsed in universal ridicule.

Bannon, taking a public hands-off with respect to both health care and Comey, began to advise reporters that the important story wasn't health care but Russia. This was cryptic advice: it was not clear whether he was trying to distract attention from the coming health care debacle, or couple it with this new dangerous variable, thus amping up the kind of chaos that he usually benefited from.

But Bannon was unequivocal about one thing. *As the Russia story unfolds*, he advised reporters, *keep your eye on Kushner*.

* * *

By mid-March, Gary Cohn had been drafted into the effort to salvage the faltering health care bill. This might have seemed like a form of hazing for Cohn, whose grasp of legislative matters was even more limited than that of most in the White House.

On Friday, March 24, the morning of the theoretical House vote for the Republican health care bill, Politico's *Playbook* characterized the chances of a vote actually coming to the floor as a "toss-up." In that morning's senior staff meeting, Cohn was asked for an assessment of where things stood and promptly said, "I think it's a toss-up."

"Really?" thought Katie Walsh. "That's what you think?"

Bannon, joining Walsh in a pitiless contempt for the White House effort, targeted Kushner, Cohn, Priebus, Price, and Ryan in a series of calls to reporters. Kushner and Cohn could, per Bannon, be counted on to run at the first sound of gunfire. (Kushner, in fact, had spent much of the week on a skiing holiday.) Priebus mouthed Ryan talking points and excuses. Price, supposedly the health care guru, was an oafish imposter; he would stand up in meetings and mumble nothing but nonsense.

These were the bad guys, setting up the administration to lose the House in 2018, thereby assuring the president's impeachment. This was vintage Bannon analysis: a certain and immediate political apocalypse that sat side by side with the potential for a half century of Bannonism-Trumpism rule.

Convinced he knew the direction of success, keenly aware of his own age and finite opportunities, and—if for no clear reason—seeing himself as a talented political infighter, Bannon sought to draw the line between believers and sell-outs, being and nothingness. For him to succeed, he needed to isolate the Ryan, Cohn, and Kushner factions.

The Bannon faction held tight on forcing a vote on the health care bill—even knowing defeat was inevitable. "I want it as a report on Ryan's job as Speaker," said Bannon. That is, a devastating report, an epic fail.

The day of the vote, Pence was sent to the Hill to make one last pitch to Meadows's

Freedom Caucus. (Ryan's people believed that Bannon was secretly urging Meadows to hold out, though earlier in the week Bannon had harshly ordered the Freedom Caucus to vote for the bill—"a silly Bannon show," according to Walsh.) At three-thirty, Ryan called the president to say he was short fifteen to twenty votes and needed to pull the vote. Bannon, backed by Mulvaney, who had become the White House's Hill operative, continued to urge an immediate vote. A defeat here would be a major defeat for the Republican leadership. That suited Bannon just fine: let them fail.

But the president backed down. Faced with this singular opportunity to make the Republican leadership the issue, and to name them as the problem, Trump wobbled, provoking in Bannon a not-so-silent rage. Ryan then leaked that it was the president who had asked him to cancel the vote.

Over the weekend, Bannon called a long list of reporters and told them—off the record, but hardly—"I don't see Ryan hanging around a long time."

* * *

After the bill had been pulled that Friday, Katie Walsh, feeling both angry and disgusted, told Kushner she wanted out. Outlining what she saw as the grim debacle of the Trump White House, she spoke with harsh candor about bitter rivalries joined to vast incompetence and an uncertain mission. Kushner, understanding that she needed to be discredited immediately, leaked that she had been leaking and hence had to be pushed out.

On Sunday evening, Walsh had dinner with Bannon in his Capitol Hill redoubt, the Breitbart Embassy, during which, to no avail, he implored her to stay. On Monday she sorted out the details with Priebus—she would leave to work part time for the RNC and part time for the Trump (c)(4), the outside campaign group. By Thursday she was gone.

Ten weeks into the new administration, the Trump White House had lost, after Michael Flynn, its second senior staff member—and the one whose job it was to actually get things done.

13

BANNON AGONISTES

He, too, felt like a prisoner, he had told Katie Walsh when she came to tell him she was leaving.

By ten weeks in, Steve Bannon's mastery of the Trump agenda, or at least of Trump himself, appeared to have crumbled. His current misery was both Catholic in nature—the self-flagellation of a man who believed he lived on a higher moral plane than all others—and fundamentally misanthropic. As an antisocial, maladjusted, post-middle-aged man, he had to make a supreme effort to get along with others, an effort that often did not go well. Most especially, he was miserable because of Donald Trump, whose cruelties, always great even when they were casual, were unbearable when he truly turned against you.

"I hated being on the campaign, I hated the transition, I hate being here in the White House," said Bannon, sitting one evening in Reince Priebus's office, on an unseasonably warm evening in early spring, with the French doors open to the arbor-covered patio where he and Priebus, now firm friends and allies in their antipathy toward Jarvanka, had set an outdoor table.

But Bannon was, he believed, here for a reason. And it was his firm belief—a belief he was unable to keep to himself, thus continually undermining his standing with the president—that his efforts had brought everybody else here. Even more important, he was the only person showing up for work every day who was committed to the purpose of actually changing the country. Changing it quickly, radically, and truly.

The idea of a split electorate—of blue and red states, of two opposing currents of values, of globalists and nationalists, of an establishment and populist revolt—was media shorthand for cultural angst and politically roiled times, and, to a large degree, for business as usual. But Bannon believed the split was literal. The United States had become a country of two hostile peoples. One would necessarily win and the other lose. Or one would dominate while the other would become marginal.

This was modern civil war—Bannon's war. The country built on the virtue and the character and the strength of the American workingman circa 1955–65 was the ideal he

meant to defend and restore: trade agreements, or *trade wars*, that supported American manufacturing; immigration policies that protected American workers (and, hence, American culture, or at least America's identity from 1955 to 1965); and an international isolation that would conserve American resources and choke off the ruling class's Davos sensibility (and also save working-class military lives). This was, in the view of almost everyone but Donald Trump and the alt-right, a crazy bit of voodoo economic and political nonsense. But it was, for Bannon, a revolutionary and religious idea.

For most others in the White House, it was Bannon's pipe dream. "Steve is … Steve," became the gentle term of art for tolerating him. "A lot of stuff goes on in his head," said the president, pursuing one of his reliable conversational themes, dismissing Bannon.

But it wasn't Bannon versus everybody else so much as it was Bannon Trump versus non-Bannon Trump. If Trump, in his dark, determined, and aggressive mood, could represent Bannon and his views, he could just as easily represent nothing at all—or represent solely his own need for instant gratification. That's what the non-Bannon people understood about Trump. If the boss was happy, then a normal, incremental, two-steps-forward-one-step-back approach to politics might prevail. Even a new sort of centrism, as inimical to Bannonism as it was possible to conceive, could emerge. Bannon's pronouncements about a fifty-year rule for Trumpism might then be supplanted by the rule of Jared, Ivanka, and Goldman Sachs.

By the end of March, this was the side that was winning. Bannon's efforts to use the epic health care fail as evidence that the establishment was the enemy had hopelessly backfired. Trump saw the health care failure as his own failure, but since he didn't have failures, it couldn't be a failure, and would in fact be a success—if not now, soon. So Bannon, a Cassandra on the sidelines, was the problem.

Trump rationalized his early embrace of Bannon by heaping scorn on him—and by denying that he had ever embraced him. If there was anything wrong with his White House, it was Steve Bannon. Maligning Bannon was Trump's idea of fun. When it came to Bannon, Trump rose to something like high analysis: "Steve Bannon's problem is PR. He doesn't understand it. Everybody hates him. Because … look at him. His bad PR rubs off on other people."

The real question, of course, was how Bannon, the fuck-the-system populist, had ever come to think that he might get along with Donald Trump, the use-the-system-to-his-own-advantage billionaire. For Bannon, Trump was the game he had to play. But in truth he hardly played it—or couldn't help undermining it. While ever proclaiming it Trump's victory, he would helplessly point out that when he had joined the campaign it was facing a polling deficit that no campaign, ten weeks from election day, had ever recovered from. Trump without Bannon, according to Bannon, was Wendell Willkie.

Bannon understood the necessity not to take what otherwise might be Trump's own

spotlight; he was well aware that the president meticulously logged all claims against credit that he believed solely to be his. Both he and Kushner, the two most important figures in the White House after the president, seemed professionally mute. Still, Bannon seemed to be everywhere, and the president was convinced—rightly—that it was the result of Bannon's private press operation. More often than self-mockery could sustain, Bannon referred to himself as "President Bannon." A bitter Kellyanne Conway, regularly dissed for her own spotlight grabbing, confirmed the president's observation that Bannon stepped into as many White House photo ops as possible. (Everybody seemed to keep count of everybody else's photo bombs.) Bannon also did not much bother to disguise his innumerable blind quotes, nor to make much of an effort to temper his not-so-private slurs against Kushner, Cohn, Powell, Conway, Priebus, and even the president's daughter (often, most especially, the president's daughter).

Curiously, Bannon never expressed a sideways thought about Trump—not yet. Trump's own righteousness and soundness was perhaps too central to Bannon's construct of Trumpism. Trump was the idea you had to support. This could seem to approach the traditional idea of respecting the office. In fact, it was the inverse. The man was the vessel: there was no Bannon without Trump. However much he might stand on his unique, even magical-seeming, contributions to the Trump victory, Bannon's opportunity was wholly provided by Trump's peculiar talent. He was no more than the man behind the man—Trump's Cromwell, as he put it, even though he was perfectly aware of Cromwell's fate.

But his loyalty to the idea of Trump hardly protected him from the actual Trump's constant briefs against him. The president had assembled a wide jury to weigh Bannon's fate, putting before it, in an insulting Borscht Belt style, a long list of Bannon's annoyances: "Guy looks homeless. Take a shower, Steve. You've worn those pants for six days. He says he's made money, I don't believe it." (The president, notably, never much took issue with Bannon's policy views.) The Trump administration was hardly two months old, yet every media outlet was predicting Bannon's coming defenestration.

One particularly profitable transaction with the president was to bring him new, ever harsher criticism of his chief strategist, or reports of other people criticizing him. It was important to know not to say anything positive to Trump about Bannon. Even faint praise before the "but"—"Steve is obviously smart, but …"—could produce a scowl and pout if you didn't hurry to the "but." (Then again, saying anyone was "smart" invariably incurred Trump's annoyance.) Kushner enlisted Scarborough and Brzezinski in something of a regular morning television Bannon slag-a-thon.

H. R. McMaster, the three-star general who had replaced Michael Flynn as National Security Advisor, had secured the president's pledge that he could veto members of the NSC. Kushner, a supporter of McMaster's appointment, had quickly ensured that Dina Powell, a key player in the Kushner faction, would join the NSC and Bannon would be removed.

Bannonites would, with lowered voices and certain pity, ask each other how he seemed and how he was holding up; invariably they would agree about how bad he looked, the strain etching ever deeper into his already ruined face. David Bossie thought Bannon "looked like he would die."

"I now understand what it is like to be in the court of the Tudors," reflected Bannon. On the campaign trail, he recalled, Newt Gingrich "would come with all these dumb ideas. When we won he was my new best friend. Every day a hundred ideas. When"—by spring in the White House—"I got cold, when I went through my Valley of Death, I saw him one day in the lobby and he looks down, avoiding my eyes with a kind of mumbled 'Hey, Steve.' And I say, 'What are you doing here, let's get you inside,' and he says, 'No, no, I'm fine, I'm waiting for Dina Powell.' "

Having attained the unimaginable—bringing a fierce alt-right, anti-liberal ethnopopulism into a central place in the White House—Bannon found himself face to face with the untenable: undermined by and having to answer to rich, entitled Democrats.

* * *

The paradox of the Trump presidency was that it was both the most ideologically driven and the least. It represented a deeply structural assault on liberal values—Bannon's deconstruction of the administrative state meant to take with it media, academic, and not-for-profit institutions. But from the start it also was apparent that the Trump administration could just as easily turn into a country club Republican or a Wall Street Democrat regime. Or just a constant effort to keep Donald Trump happy. Trump had his collection of pet-peeve issues, test-marketed in various media rollouts and megarallies, but none seemed so significant as his greater goal of personally coming out ahead of the game.

As the drumbeat for Bannon's removal grew, the Mercers stepped in to protect their investment in radical government overthrow and the future of Steve Bannon.

In an age when all successful political candidates are surrounded by, if not at the beck and call of, difficult, rich people pushing the bounds of their own power—and the richer they were, the more difficult they might be—Bob and Rebekah Mercer were quite onto themselves. If Trump's ascent was unlikely, the Mercers' was all the more so.

Even the difficult rich—the Koch brothers and Sheldon Adelson on the right, David Geffen and George Soros on the left—are leavened and restrained by the fact that money exists in a competitive market. Obnoxiousness has its limits. The world of the rich is, in its fashion, self-regulating. Social climbing has rules.

But among the difficult and entitled rich, the Mercers cut a path through disbelief and incredulity. Unlike other people contributing vast sums to political candidates, they were willing not to win—ever. Their bubble was their bubble.

So when they did win, by the fluke alignment of the stars for Donald Trump, they were

yet pure. Now, having found themselves—by odds that were perfect-storm outlandish—in power, they were not going to give it up because Steve Bannon had hurt feelings and wasn't getting enough sleep.

Toward the end of March, the Mercers organized a set of emergency meetings. At least one of them was with the president himself. It was exactly the kind of meeting Trump usually avoided: he had no interest in personnel problems, since they put the emphasis on other people. Suddenly he was being forced to deal with Steve Bannon, rather than the other way around. What's more, it was a problem he had in part created with his constant Bannon dissing, and now he was being asked to eat crow. Even though the president kept saying he could and should fire Bannon, he was aware of the costs—a right-wing backlash of unpredictable proportions.

Trump thought the Mercers were super-strange bedfellows too. He didn't like Bob Mercer looking at him and not saying a word; he didn't like being in the same room with Mercer or his daughter. But though he refused to admit that the Mercers' decision to back him and their imposition of Bannon on the campaign in August was, likely, the event without which he would not now be in the White House, he did understand that if crossed, the Mercers and Bannon were potential world-class troublemakers.

The complexity of the Bannon-Mercer problem prompted Trump to consult two contradictory figures: Rupert Murdoch and Roger Ailes. Even as the president did so, perhaps he knew he would come up with a zero-sum answer.

Murdoch, already briefed by Kushner, said getting rid of Bannon was the only way to deal with the dysfunction in the White House. (Murdoch, of course, made the assumption that getting rid of Kushner was not an option.) It was the inevitable outcome, so do it now. Murdoch's response made perfect sense: by now, he had become an active political supporter of the Kushner-Goldman moderates, seeing them as the people who would save the world from Bannon and, indeed, from Trump as well.

Ailes, blunt and declarative as always, said, "Donald, you can't do it. You've made your bed and Steve is in it. You don't have to listen to him, you don't have to even get along with him. But you're married to him. You can't handle a divorce right now."

Jared and Ivanka were gleeful at the prospect of Bannon's ouster. His departure would return the Trump organization to pure family control—the family and its functionaries, without an internal rival for brand meaning and leadership. From the family's point of view, it would also—at least in theory—help facilitate one of the most implausible brand shifts in history: Donald Trump to respectability. The dream, long differed, of the Trump pivot, might actually happen without Bannon. Never mind that this Kushner ideal—saving Trump from himself and projecting Jared and Ivanka into the future—was nearly as far-fetched and extreme as Bannon's own fantasy of a White House dedicated to the return of a pre-1965 American mythology.

If Bannon were to go, it also might cause the ultimate split in the already fractured Republican Party. Before the election, one theory suggested that a defeated Trump would take his embittered 35 percent and make hay with a rancorous minority. Now the alarming theory was that as Kushner tried to transform his father-in-law into the kind of latter-day Rockefeller that Trump, however implausibly, had on occasion dreamed of becoming (Rockefeller Center being an inspiration for his own real estate branding), Bannon could run off with some meaningful part of that 35 percent.

This was the Breitbart threat. The Breitbart organization remained under the control of the Mercers, and it could at any moment be handed back to Steve Bannon. And now, with Bannon's overnight transformation into political genius and kingmaker, and the triumph of the alt-right, Breitbart was potentially much more powerful. Trump's victory had, in some sense, handed the Mercers the tool with which to destroy him. As push came to shove and the mainstream media and swamp bureaucracy more and more militantly organized against him, Trump was certainly going to need the Mercer-backed alt-right standing up in his defense. What, after all, was he without them?

As the pressure mounted, Bannon—until now absolutely disciplined in his regard for Donald Trump as the ideal avatar of Trumpism (and Bannonism), rigidly staying in character as aide and supporter of a maverick political talent—began to crack. Trump, as almost anyone who had ever worked for him appreciated, was, despite what you hoped he might be, Trump—and he would invariably sour on everyone around him.

But the Mercers dug in. Without Bannon, they believed the Trump presidency, at least the Trump presidency they had imagined (and helped pay for), was over. The focus became how to make Steve's life better. They made him pledge to leave the office at a reasonable time—no more waiting around for Trump to possibly need a dinner companion. (Recently, Jared and Ivanka had been heading this off anyway.) The solution included a search for a Bannon's Bannon—a chief strategist for the chief strategist.

In late March, the Mercers came to an agreed-upon truce with the president: Bannon would not be fired. While this guaranteed nothing about his influence and standing, it did buy Bannon and his allies some time. They could regroup. A presidential aide was only as good as the last good advice he gave, and in this, Bannon believed the ineptness of his rivals, Kushner and his wife, would seal their fate.

* * *

Though the president agreed not to fire Bannon, he gave Kushner and his daughter something in exchange: he would enhance both their roles.

On March 27, the Office of American Innovation was created and Kushner was put in charge. Its stated mission was to reduce federal bureaucracy—that is, to reduce it by creating more of it, a committee to end committees. In addition, Kushner's new outfit would study the government's internal technology, focus on job creation, encourage and

suggest policies about apprenticeships, enlist business in a partnership with government, and help with the opioid epidemic. It was, in other words, business as usual, albeit with a new burst of enthusiasm for the administrative state.

But its real import was that it gave Kushner his own internal White House staff, a team of people working not just on Kushner-supported projects—all largely antithetical to Bannon projects—but, more broadly, as Kushner explained to one staffer, "on expanding my footprint." Kushner even got his own "comms person," a dedicated spokesperson and Kushner promoter. It was a bureaucratic build-out meant not only to enhance Kushner but to diminish Steve Bannon.

Two days after the announcement about Jared's expanded power base, Ivanka was formally given a White House job, too: adviser to the president. From the beginning she had been a key adviser to her husband—and he to her. Still, it was an overnight consolidation of Trump family power in the White House. It was, quite at Steve Bannon's expense, a remarkable bureaucratic coup: a divided White House had now all but been united under the president's family.

His son-in-law and daughter hoped—they were even confident—that they could speak to DJT's better self, or at least balance Republican needs with progressive rationality, compassion, and good works. Further, they could support this moderation by routing a steady stream of like-minded CEOs through the Oval Office. And, indeed, the president seldom disagreed with and was often enthusiastic about the Jared and Ivanka program. "If they tell him the whales need to be saved, he's basically for it," noted Katie Walsh.

But Bannon, suffering in his internal exile, remained convinced that he represented what Donald Trump actually believed, or, more accurately, what the president felt. He knew Trump to be a fundamentally emotional man, and he was certain that the deepest part of him was angry and dark. However much the president wanted to support his daughter and her husband's aspirations, their worldview was not his. As Walsh saw it, "Steve believes he is Darth Vader and that Trump is called to the dark side."

Indeed, Trump's fierce efforts to deny Bannon's influence may well have been in inverse proportion to the influence Bannon actually had.

The president did not truly listen to anybody. The more you talked, the less he listened. "But Steve is careful about what he says, and there is something, a timbre in his voice and his energy and excitement, that the president can really hone in on, blocking everything else out," said Walsh.

As Jared and Ivanka were taking a victory lap, Trump signed Executive Order 13783, a change in environmental policy carefully shepherded by Bannon, which, he argued, effectively gutted the National Environmental Policy Act, the 1970 law that served as the foundation of modern environmental protections and that required all executive agencies to prepare environmental impact statements for agency actions. Among other impacts, EO

13783 removed a prior directive to consider climate change—a precursor to coming debates on the country's position regarding the Paris Climate Accord.

On April 3, Kushner unexpectedly turned up in Iraq, accompanying Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff. According to the White House press office, Kushner was "traveling on behalf of the president to express the president's support and commitment to the government of Iraq and U.S. personnel currently engaged in the campaign." Kushner, otherwise a remote and clammed-up media presence, was copiously photographed throughout the trip.

Bannon, watching one of the many television screens that provided a constant background in the West Wing, glimpsed Kushner wearing a headset while flying in a helicopter over Baghdad. To no one in particular, recalling a foolish and callow George W. Bush in flight gear on the aircraft carrier USS *Abraham Lincoln* proclaiming the end of the Iraq War, he intoned, "Mission accomplished."

Gritting his teeth, Bannon saw the structure of the White House moving in the exact opposite direction from Trumpism-Bannonism. But even now, he was certain he perceived the real impulses of the administration coming his way. It was Bannon, stoic and resolute, the great if unheralded warrior, who, at least in his own mind, was destined to save the nation.

14

SITUATION ROOM

Just before seven o'clock on the morning of Tuesday, April 4, the seventy-fourth day of the Trump presidency, Syrian government forces attacked the rebel-held town of Khan Sheikhoun with chemical weapons. Scores of children were killed. It was the first time a major outside event had intruded into the Trump presidency.

Most presidencies are shaped by external crises. The presidency, in its most critical role, is a reactive job. Much of the alarm about Donald Trump came from the widespread conviction that he could not be counted on to be cool or deliberate in the face of a storm. He had been lucky so far: ten weeks in, and he had not been seriously tested. In part this might have been because the crises generated from inside the White House had overshadowed all outside contenders.

Even a gruesome attack, even one on children in an already long war, might not yet be a presidential game changer of the kind that everyone knew would surely come. Still, these were chemical weapons launched by a repeat offender, Bashar al-Assad. In any other presidency, such an atrocity would command a considered and, ideally, skillful response. Obama's consideration had in fact been less than skillful in proclaiming the use of chemical weapons as a red line—and then allowing it to be crossed.

Almost nobody in the Trump administration was willing to predict how the president might react—or even whether he would react. Did he think the chemical attack important or unimportant? No one could say.

If the Trump White House was as unsettling as any in American history, the president's views of foreign policy and the world at large were among its most random, uninformed, and seemingly capricious aspects. His advisers didn't know whether he was an isolationist or a militarist, or whether he could distinguish between the two. He was enamored with generals and determined that people with military command experience take the lead in foreign policy, but he hated to be told what to do. He was against nation building, but he believed there were few situations that he couldn't personally make better. He had little to no experience in foreign policy, but he had no respect for the experts, either.

Suddenly, the question of how the president might respond to the attack in Khan Sheikhoun was a litmus test for normality and those who hoped to represent it in Trump's White House. Here was the kind of dramatic juxtaposition that might make for a vivid and efficient piece of theater: people working in the Trump White House who were trying to behave normally.

* * *

Surprisingly, perhaps, there were quite a few such people.

Acting normal, embodying normality—doing things the way a striving, achieving, rational person would do them—was how Dina Powell saw her job in the White House. At forty-three, Powell had made a career at the intersection of the corporate world and public policy; she did well (very, very well) by doing good. She had made great strides in George W. Bush's White House and then later at Goldman Sachs. Returning to the White House at a penultimate level, with at least a chance of rising to one of the country's highest unelected positions, would potentially be worth enormous sums when she returned to the corporate world.

In Trumpland, however, the exact opposite could happen. Powell's carefully cultivated reputation, her brand (and she was one of those people who thought intently about their personal brand), could become inextricably tied to the Trump brand. Worse, she could become part of what might easily turn into historical calamity. Already, for many people who knew Dina Powell—and everybody who was anybody knew Dina Powell—the fact that she had taken a position in the Trump White House indicated either recklessness or seriously bad judgment.

"How," wondered one of her longtime friends, "does she rationalize this?" Friends, family, and neighbors asked, silently or openly, *Do you know what you're doing? And how* could *you? And why* would *you?*

Here was the line dividing those whose reason for being in the White House was a professed loyalty to the president from the professionals they had needed to hire. Bannon, Conway, and Hicks—along with an assortment of more or less peculiar ideologues that had attached themselves to Trump and, of course, his family, all people without clearly monetizable reputations before their association with Trump—were, for better or worse, hitched to him. (Even among dedicated Trumpers there was always a certain amount of holding their breath and constant reexamination of their options.) But those within the larger circle of White House influence, those with some stature or at least an imagined stature, had to work through significantly more complicated contortions of personal and career justification.

Often they wore their qualms on their sleeves. Mick Mulvaney, the OMB director, made a point of stressing the fact that he worked in the Executive Office Building, not the West Wing. Michael Anton, holding down Ben Rhodes's former job at the NSC, had

perfected a deft eye roll (referred to as the Anton eye roll). H. R. McMaster seemed to wear a constant grimace and have perpetual steam rising from his bald head. ("What's wrong with him?" the president often asked.)

There was, of course, a higher rationale: the White House needed normal, sane, logical, adult professionals. To a person, these pros saw themselves bringing positive attributes—rational minds, analytic powers, significant professional experience—to a situation sorely lacking those things. They were doing their bit to make things more normal and, therefore, more stable. They were bulwarks, or saw themselves that way, against chaos, impulsiveness, and stupidity. They were less Trump supporters than an antidote to Trump.

"If it all starts going south—more south than it is already going—I have no doubt that Joe Hagin would himself take personal responsibility, and do what needed to be done," said a senior Republican figure in Washington, in an effort at self-reassurance, about the former Bush staffer who now served as Trump's deputy chief of staff for operations.

But this sense of duty and virtue involved a complicated calculation about your positive effect on the White House versus its negative effect on you. In April, an email originally copied to more than a dozen people went into far wider circulation when it was forwarded and reforwarded. Purporting to represent the views of Gary Cohn and quite succinctly summarizing the appalled sense in much of the White House, the email read:

> It's worse than you can imagine. An idiot surrounded by clowns. Trump won't read anything—not one-page memos, not the brief policy papers; nothing. He gets up halfway through meetings with world leaders because he is bored. And his staff is no better. Kushner is an entitled baby who knows nothing. Bannon is an arrogant prick who thinks he's smarter than he is. Trump is less a person than a collection of terrible traits. No one will survive the first year but his family. I hate the work, but feel I need to stay because I'm the only person there with a clue what he's doing. The reason so few jobs have been filled is that they only accept people who pass ridiculous purity tests, even for midlevel policy-making jobs where the people will never see the light of day. I am in a constant state of shock and horror.

Still, the mess that might do serious damage to the nation, and, by association, to your own brand, might be transcended if you were seen as the person, by dint of competence and professional behavior, taking control of it.

Powell, who had come into the White House as an adviser to Ivanka Trump, rose, in weeks, to a position on the National Security Council, and was then, suddenly, along with Cohn, her Goldman colleague, a contender for some of the highest posts in the administration.

At the same time, both she and Cohn were spending a good deal of time with their ad hoc outside advisers on which way they might jump out of the White House. Powell could eye seven-figure comms jobs at various Fortune 100 companies, or a C-suite future at a

tech company—Facebook's Sheryl Sandberg, after all, had a background in corporate philanthropy and in the Obama administration. Cohn, on his part, already a centamillionaire, was thinking about the World Bank or the Fed.

Ivanka Trump—dealing with some of the same personal and career considerations as Powell, except without a viable escape strategy—was quite in her own corner. Inexpressive and even botlike in public but, among friends, discursive and strategic, Ivanka had become both more defensive about her father and more alarmed by where his White House was heading. She and her husband blamed this on Bannon and his let-Trump-be-Trump philosophy (often interpreted as let Trump be Bannon). The couple had come to regard him as more diabolical than Rasputin. Hence it was their job to keep Bannon and the ideologues from the president, who, they believed, was, in his heart, a practical-minded person (at least in his better moods), swayed only by people preying on his short attention span.

In mutually codependent fashion, Ivanka relied on Dina to suggest management tactics that would help her handle her father and the White House, while Dina relied on Ivanka to offer regular assurances that not everyone named Trump was completely crazy. This link meant that within the greater West Wing population, Powell was seen as part of the much tighter family circle, which, while it conferred influence, also made her the target of ever sharper attacks. "She will expose herself as being totally incompetent," said a bitter Katie Walsh, seeing Powell as less a normalizing influence than another aspect of the abnormal Trump family power play.

And indeed, both Powell and Cohn had privately concluded that the job they both had their eye on—chief of staff, that singularly necessary White House management position—would always be impossible to perform if the president's daughter and son-in-law, no matter how much they were allied to them, were in de facto command whenever they wanted to exert it.

Dina and Ivanka were themselves spearheading an initiative that, otherwise, would have been a fundamental responsibility of the chief of staff: controlling the president's information flow.

* * *

The unique problem here was partly how to get information to someone who did not (or could not or would not) read, and who at best listened only selectively. But the other part of the problem was how best to qualify the information that he liked to get. Hope Hicks, after more than a year at this side, had honed her instincts for the kind of information—the clips—that would please him. Bannon, in his intense and confiding voice, could insinuate himself into the president's mind. Kellyanne Conway brought him the latest outrages against him. There were his after-dinner calls—the billionaire chorus. And then cable, itself programmed to reach him—to court him or enrage him.

The information he did not get was formal information. The data. The details. The options. The analysis. He didn't do PowerPoint. For anything that smacked of a classroom or of being lectured to—"professor" was one of his bad words, and he was proud of never going to class, never buying a textbook, never taking a note—he got up and left the room.

This was a problem in multiple respects—indeed, in almost all the prescribed functions of the presidency. But perhaps most of all, it was a problem in the evaluation of strategic military options.

The president liked generals. The more fruit salad they wore, the better. The president was very pleased with the compliments he got for appointing generals who commanded the respect that Mattis and Kelly and McMaster were accorded (pay no attention to Michael Flynn). What the president did not like was *listening* to generals, who, for the most part, were skilled in the new army jargon of PowerPoint, data dumps, and McKinsey-like presentations. One of the things that endeared Flynn to the president was that Flynn, quite the conspiracist and drama queen, had a vivid storytelling sense.

By the time of the Syrian attack on Khan Sheikhoun, McMaster had been Trump's National Security Advisor for only about six weeks. Yet his efforts to inform the president had already become an exercise in trying to tutor a recalcitrant and resentful student. Recently Trump's meetings with McMaster had ended up in near acrimony, and now the president was telling several friends that his new National Security Advisor was too boring and that he was going to fire him.

McMaster had been the default choice, a fact that Trump kept returning to: Why had he hired him? He blamed his son-in-law.

After the president fired Flynn in February, he had spent two days at Mar-a-Lago interviewing replacements, badly taxing his patience.

John Bolton, the former U.S. ambassador to the United Nations and Bannon's consistent choice, made his aggressive light-up-the-world, go-to-war pitch.

Then Lt. Gen. Robert L. Caslen Jr., superintendent of the United States Military Academy at West Point, presented himself with what Trump viewed positively as old-fashioned military decorum. *Yes, sir. No, sir. That's correct, sir. Well, I think we know China has some problems, sir*. And in short order it seemed that Trump was selling Caslen on the job.

"That's the guy I want," said Trump. "He's got the look."

But Caslen demurred. He had never really had a staff job. Kushner thought he might not be ready.

"Yeah, but I liked that guy," pressed Trump.

Then McMaster, wearing a uniform with his silver star, came in and immediately

launched into a wide-ranging lecture on global strategy. Trump was soon, and obviously, distracted, and as the lecture continued he began sulking.

"That guy bores the shit out of me," announced Trump after McMaster left the room. But Kushner pushed him to take another meeting with McMaster, who the next day showed up without his uniform and in a baggy suit.

"He looks like a beer salesman," Trump said, announcing that he would hire McMaster but didn't want to have another meeting with him.

Shortly after his appointment, McMaster appeared on *Morning Joe*. Trump saw the show and noted admiringly, "The guy sure gets good press."

The president decided he had made a good hire.

* * *

By midmorning on April 4, a full briefing had been assembled at the White House for the president about the chemical attacks. Along with his daughter and Powell, most members of the president's inner national security circle saw the bombing of Khan Sheikhoun as a straightforward opportunity to register an absolute moral objection. The circumstance was unequivocal: Bashar al-Assad's government, once again defying international law, had used chemical weapons. There was video documenting the attack and substantial agreement among intelligence agencies about Assad's responsibility. The politics were right: Barack Obama failed to act when confronted with a Syrian chemical attack, and now Trump could. The downside was small; it would be a contained response. And it had the added advantage of seeming to stand up to the Russians, Assad's effective partners in Syria, which would score a political point at home.

Bannon, at perhaps his lowest moment of influence in the White House—many still felt that his departure was imminent—was the only voice arguing against a military response. It was a purist's rationale: keep the United States out of intractable problems, and certainly don't increase our involvement in them. He was holding the line against the rising business-as-usual faction, making decisions based on the same set of assumptions, Bannon believed, that had resulted in the Middle East quagmire. It was time to break the standard-response pattern of behavior, represented by the Jarvanka-Powell-Cohn-McMaster alliance. Forget normal—in fact, to Bannon, normal was precisely the problem.

The president had already agreed to McMaster's demand that Bannon be removed from the National Security Council, though the change wouldn't be announced until the following day. But Trump was also drawn to Bannon's strategic view: Why do anything, if you don't have to? Or, why would you do something that doesn't actually get you anything? Since taking office, the president had been developing an intuitive national security view: keep as many despots who might otherwise screw you as happy as possible. A self-styled strongman, he was also a fundamental appeaser. In this instance, then, why cross the Russians?

By the afternoon, the national security team was experiencing a sense of rising panic: the president, in their view, didn't seem to be quite registering the situation. Bannon wasn't helping. His hyperrationalist approach obviously appealed to the not-always-rational president. A chemical attack didn't change the circumstances on the ground, Bannon argued; besides, there had been far worse attacks with far more casualties than this one. If you were looking for broken children, you could find them anywhere. Why these broken children?

The president was not a debater—well, not in any Socratic sense. Nor was he in any conventional sense a decision maker. And certainly he was not a student of foreign policy views and options. But this was nevertheless turning into a genuine philosophical face-off.

"Do nothing" had long been viewed as an unacceptable position of helplessness by American foreign policy experts. The instinct to do something was driven by the desire to prove you were not limited to nothing. You couldn't do nothing and show strength. But Bannon's approach was very much "A pox on all your houses," it was not our mess, and judging by all recent evidence, no good would come of trying to help clean it up. That effort would cost military lives with no military reward. Bannon, believing in the need for a radical shift in foreign policy, was proposing a new doctrine: Fuck 'em. This iron-fisted isolationism appealed to the president's transactional self: What was in it for us (or for him)?

Hence the urgency to get Bannon off the National Security Council. The curious thing is that in the beginning he was thought to be much more reasonable than Michael Flynn, with his fixation on Iran as the source of all evil. Bannon was supposed to babysit Flynn. But Bannon, quite to Kushner's shock, had not just an isolationist worldview but an apocalyptic one. Much of the world would burn and there was nothing you could do about it.

The announcement of Bannon's removal was made the day after the attack. That in itself was a rather remarkable accomplishment on the part of the moderates. In little more than two months, Trump's radical, if not screwball, national security leadership had been replaced by so-called reasonable people.

The job was now to bring the president into this circle of reason.

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As the day wore on, both Ivanka Trump and Dina Powell were united in their determination to persuade the president to react … normally. At the very minimum, an absolute condemnation of the use of chemical weapons, a set of sanctions, and, ideally, a military response—although not a big one. None of this was in any way exceptional. Which was sort of the point: it was critical not to respond in a radical, destabilizing way—including a radical nonresponse.

Kushner was by now complaining to his wife that her father just didn't get it. It had

even been difficult to get a consensus on releasing a firm statement about the unacceptability of the use of chemical weapons at the noon press briefing. To both Kushner and McMaster it seemed obvious that the president was more annoyed about having to think about the attack than by the attack itself.

Finally, Ivanka told Dina they needed to show the president a different kind of presentation. Ivanka had long ago figured out how to make successful pitches to her father. You had to push his enthusiasm buttons. He may be a businessman, but numbers didn't do it for him. He was not a spreadsheet jockey—his numbers guys dealt with spreadsheets. He liked big names. He liked the big picture—he liked *literal* big pictures. He liked to see it. He liked "impact."

But in one sense, the military, the intelligence community, and the White House's national security team remained behind the times. Theirs was a data world rather than a picture world. As it happened, the attack on Khan Sheikhoun had produced a wealth of visual evidence. Bannon might be right that this attack was no more mortal than countless others, but by focusing on this one and curating the visual proof, this atrocity became singular.

Late that afternoon, Ivanka and Dina created a presentation that Bannon, in disgust, characterized as pictures of kids foaming at the mouth. When the two women showed the presentation to the president, he went through it several times. He seemed mesmerized.

Watching the president's response, Bannon saw Trumpism melting before his eyes. Trump—despite his visceral resistance to the establishment ass-covering and standard-issue foreign policy expertise that had pulled the country into hopeless wars—was suddenly putty. After seeing all the horrifying photos, he immediately adopted a completely conventional point of view: it seemed inconceivable to him that we couldn't do something.

That evening, the president described the pictures in a call to a friend—the foam, all that foam. *These are just kids*. He usually displayed a consistent contempt for anything but overwhelming military response; now he expressed a sudden, wide-eyed interest in all kinds of other military options.

On Wednesday, April 5, Trump received a briefing that outlined multiple options for how to respond. But again McMaster burdened him with detail. He quickly became frustrated, feeling that he was being manipulated.

The following day, the president and several of his top aides flew to Florida for a meeting with the Chinese president, Xi Jinping—a meeting organized by Kushner with the help of Henry Kissinger. While aboard Air Force One, he held a tightly choreographed meeting of the National Security Council, tying into the staff on the ground. By this point, the decision about how to respond to the chemical attack had already been made: the military would launch a Tomahawk cruise missile strike at Al Shayrat airfield. After a

final round of discussion, while on board, the president, almost ceremonially, ordered the strike for the next day.

With the meeting over and the decision made, Trump, in a buoyant mood, came back to chat with reporters traveling with him on Air Force One. In a teasing fashion, he declined to say what he planned to do about Syria. An hour later, Air Force One landed and the president was hustled to Mar-a-Lago.

The Chinese president and his wife arrived for dinner shortly after five o'clock and were greeted by a military guard on the Mar-a-Lago driveway. With Ivanka supervising arrangements, virtually the entire White House senior staff attended.

During a dinner of Dover sole, haricots verts, and thumbelina carrots—Kushner seated with the Chinese first couple, Bannon at the end of the table—the attack on Al Shayrat airfield was launched.

Shortly before ten, the president, reading straight off the teleprompter, announced that the mission had been completed. Dina Powell arranged a for-posterity photo of the president with his advisers and national security team in the makeshift situation room at Mar-a-Lago. She was the only woman in the room. Steve Bannon glowered from his seat at the table, revolted by the stagecraft and the "phoniness of the fucking thing."

It was a cheerful and relieved Trump who mingled with his guests among the palm trees and mangroves. "That was a big one," he confided to a friend. His national security staff were even more relieved. The unpredictable president seemed almost predictable. The unmanageable president, manageable.

15

MEDIA

On April 19, Bill O'Reilly, the Fox anchor and the biggest star in cable news, was pushed out by the Murdoch family over charges of sexual harassment. This was a continuation of the purge at the network that had begun nine months before with the firing of its chief, Roger Ailes. Fox achieved its ultimate political influence with the election of Donald Trump, yet now the future of the network seemed held in a peculiar Murdoch family limbo between conservative father and liberal sons.

A few hours after the O'Reilly announcement, Ailes, from his new oceanfront home in Palm Beach—precluded by his separation agreement with Fox from any efforts to compete with it for eighteen months—sent an emissary into the West Wing with a question for Steve Bannon: *O'Reilly and Hannity are in, what about you?* Ailes, in secret, had been plotting his comeback with a new conservative network. Currently in internal exile inside the White House, Bannon—"the next Ailes"—was all ears.

This was not just the plotting of ambitious men, seeking both opportunity and revenge; the idea for a new network was also driven by an urgent sense that the Trump phenomenon was about, as much as anything else, right-wing media. For twenty years, Fox had honed its populist message: liberals were stealing and ruining the country. Then, just at the moment that many liberals—including Rupert Murdoch's sons, who were increasingly in control of their father's company—had begun to believe that the Fox audience was beginning to age out, with its anti-gay-marriage, anti-abortion, anti-immigrant social message, which seemed too hoary for younger Republicans, along came Breitbart News. Breitbart not only spoke to a much younger right-wing audience—here Bannon felt he was as much in tune with this audience as Ailes was with his—but it had turned this audience into a huge army of digital activists (or social media trolls).

As right-wing media had fiercely coalesced around Trump—readily excusing all the ways he might contradict the traditional conservative ethos—mainstream media had become as fiercely resistant. The country was divided as much by media as by politics. Media was the avatar of politics. A sidelined Ailes was eager to get back in the game. This was his natural playing field: (1) Trump's election proved the power of a significantly

smaller but more dedicated electoral base—just as, in cable television terms, a smaller hardcore base was more valuable than a bigger, less committed one; (2) this meant an inverse dedication by an equally small circle of passionate enemies; (3) hence, there would be blood.

If Bannon was as finished as he appeared in the White House, this was his opportunity, too. Indeed, the problem with Bannon's $1.5 million a year Internetcentric Breitbart News was that it couldn't be monetized or scaled up in a big way, but with O'Reilly and Hannity on board, there could be television riches fueled by, into the foreseeable future, a new Trump-inspired era of right-wing passion and hegemony.

Ailes's message to his would-be protégé was plain: Not just the rise of Trump, but the fall of Fox could be Bannon's moment.

In reply, Bannon let Ailes know that for now, he was trying to hold on to his position in the White House. But yes, the opportunity was obvious.

* * *

Even as O'Reilly's fate was being debated by the Murdochs, Trump, understanding O'Reilly's power and knowing how much O'Reilly's audience overlapped with his own base, had expressed his support and approval—"I don't think Bill did anything wrong… . He is a good person," he told the *New York Times*.

But in fact a paradox of the new strength of conservative media was Trump himself. During the campaign, when it suited him, he had turned on Fox. If there were other media opportunities, he took them. (In the recent past, Republicans, particularly in the primary season, paid careful obeisance to Fox over other media outlets.) Trump kept insisting that he was bigger than just conservative media.

In the past month, Ailes, a frequent Trump caller and after-dinner adviser, had all but stopped speaking to the president, piqued by the constant reports that Trump was bad-mouthing him as he praised a newly attentive Murdoch, who had, before the election, only ever ridiculed Trump.

"Men who demand the most loyalty tend to be the least loyal pricks," noted a sardonic Ailes (a man who himself demanded lots of loyalty).

The conundrum was that conservative media saw Trump as its creature, while Trump saw himself as a star, a vaunted and valued product of all media, one climbing ever higher. It was a cult of personality, and he was the personality. He was the most famous man in the world. Everybody loved him—or ought to.

On Trump's part this was, arguably, something of a large misunderstanding about the nature of conservative media. He clearly did not understand that what conservative media elevated, liberal media would necessarily take down. Trump, goaded by Bannon, would continue to do the things that would delight conservative media and incur the wrath of

liberal media. That was the program. The more your supporters loved you, the more your antagonists hated you. That's how it was supposed to work. And that's how it was working.

But Trump himself was desperately wounded by his treatment in the mainstream media. He obsessed on every slight until it was overtaken by the next slight. Slights were singled out and replayed again and again, his mood worsening with each replay (he was always rerunning the DVR). Much of the president's daily conversation was a repetitive rundown of what various anchors and hosts had said about him. And he was upset not only when he was attacked, but when the people around him were attacked. But he did not credit their loyalty, or blame himself or the nature of liberal media for the indignities heaped on his staffers; he blamed them and their inability to get good press.

Mainstream media's self-righteousness and contempt for Trump helped provide a tsunami of clicks for right-wing media. But an often raging, self-pitying, tormented president had not gotten this memo, or had failed to comprehend it. He was looking for media love everywhere. In this, Trump quite profoundly seemed unable to distinguish between his political advantage and his personal needs—he thought emotionally, not strategically.

The great value of being president, in his view, was that you're the most famous man in the world, and fame is always venerated and adored by the media. Isn't it? But, confusingly, Trump was president in large part because of his particular talent, conscious or reflexive, to alienate the media, which then turned him into a figure reviled by the media. This was not a dialectical space that was comfortable for an insecure man.

"For Trump," noted Ailes, "the media represented power, much more so than politics, and he wanted the attention and respect of its most powerful men. Donald and I were really quite good friends for more than 25 years, but he would have preferred to be friends with Murdoch, who thought he was a moron—at least until he became president."

* * *

The White House Correspondents' Dinner was set for April 29, the one hundredth day of the Trump administration. The annual dinner, once an insiders' event, had become an opportunity for media organizations to promote themselves by recruiting celebrities—most of whom had nothing to do with journalism or politics—to sit at their tables. This had resulted in a notable Trump humiliation when, in 2011, Barack Obama singled out Trump for particular mockery. In Trump lore, this was the insult that pushed him to make the 2016 run.

Not long after the Trump team's arrival in the White House, the Correspondents' Dinner became a cause for worry. On a winter afternoon in Kellyanne Conway's upstairs West Wing office, Conway and Hope Hicks engaged in a pained discussion about what to do.

The central problem was that the president was neither inclined to make fun of himself, nor particularly funny himself—at least not, in Conway's description, "in that kind of humorous way."

George W. Bush had famously resisted the Correspondents' Dinner and suffered greatly at it, but he had prepped extensively, and every year he pulled out an acceptable performance. But neither woman, confiding their concerns around the small table in Conway's office to a journalist they regarded as sympathetic, thought Trump had a realistic chance of making the dinner anything like a success.

"He doesn't appreciate cruel humor," said Conway.

"His style is more old-fashioned," said Hicks.

Both women, clearly seeing the Correspondents' Dinner as an intractable problem, kept characterizing the event as "unfair," which, more generally, is how they characterized the media's view of Trump. "He's unfairly portrayed." "They don't give him the benefit of the doubt." "He's just not treated the way other presidents have been treated."

The burden here for Conway and Hicks was their understanding that the president did not see the media's lack of regard for him as part of a political divide on which he stood on a particular side. Instead, he perceived it as a deep personal attack on him: for entirely unfair reasons, ad hominem reasons, the media just did not like him. Ridiculed him. Cruelly. Why?

The journalist, trying to offer some comfort, told the two women there was a rumor going around that Graydon Carter—the editor of *Vanity Fair* and host of one of the most important parties of the Correspondents' Dinner weekend, and, for decades, one of Trump's key tormentors in the media—was shortly going to be pushed out of the magazine.

"Really?" said Hicks, jumping up. "Oh my God, can I tell him? Would that be okay? He'll want to know this." She headed quickly downstairs to the Oval Office.

* * *

Curiously, Conway and Hicks each portrayed a side of the president's alter ego media problem. Conway was the bitter antagonist, the mud-in-your-eye messenger who reliably sent the media into paroxysms of outrage against the president. Hicks was the confidante ever trying to get the president a break and some good ink in the only media he really cared about—the media that most hated him. But as different as they were in their media functions and temperament, both women had achieved remarkable influence in the administration by serving as the key lieutenants responsible for addressing the president's most pressing concern, his media reputation.

While Trump was in most ways a conventional misogynist, in the workplace he was much closer to women than to men. The former he confided in, the latter he held at arm's

length. He liked and needed his office wives, and he trusted them with his most important personal issues. Women, according to Trump, were simply more loyal and trustworthy than men. Men might be more forceful and competent, but they were also more likely to have their own agendas. Women, by their nature, or Trump's version of their nature, were more likely to focus their purpose on a man. A man like Trump.

It wasn't happenstance or just casting balance that his *Apprentice* sidekick was a woman, nor that his daughter Ivanka had become one of his closest confidants. He felt women understood him. Or, the kind of women he liked—positive-outlook, can-do, loyal women, who also looked good—understood him. Everybody who successfully worked for him understood that there was always a subtext of his needs and personal tics that had to be scrupulously attended to; in this, he was not all that different from other highly successful figures, just more so. It would be hard to imagine someone who expected a greater awareness of and more catering to his peculiar whims, rhythms, prejudices, and often inchoate desires. He needed special—extra special—handling. Women, he explained to one friend with something like self-awareness, generally got this more precisely than men. In particular, women who self-selected themselves as tolerant of or oblivious to or amused by or steeled against his casual misogyny and constant sexual subtext—which was somehow, incongruously and often jarringly, matched with paternal regard—got this.

* * *

Kellyanne Conway first met Donald Trump at a meeting of the condo board for the Trump International Hotel, which was directly across the street from the UN and was where, in the early 2000s, she lived with her husband and children. Conway's husband, George, a graduate of Harvard College and Yale Law School, was a partner at the premier corporate mergers and acquisitions firm Wachtell, Lipton, Rosen & Katz. (Though Wachtell was a Democratic-leaning firm, George had played a behind-the-scenes role on the team that represented Paula Jones in her pursuit of Bill Clinton.) In its professional and domestic balance, the Conway family was organized around George's career. Kellyanne's career was a sidelight.

Kellyanne, who in the Trump campaign would use her working-class biography to good effect, grew up in central New Jersey, the daughter of a trucker, raised by a single mother (and, always in her narrative, her grandmother and two unmarried aunts). She went to George Washington law school and afterward interned for Reagan's pollster, Richard Wirthlin. Then she became the assistant to Frank Luntz, a curious figure in the Republican Party, known as much for his television deals and toupee as for his polling acumen. Conway herself began to make appearances on cable TV while working for Luntz.

One virtue of the research and polling business she started in 1995 was that it could adapt to her husband's career. But she never much rose above a midrank presence in Republican political circles, nor did she become more than the also-ran behind Ann Coulter and Laura Ingraham on cable television—which is where Trump first saw her and

why he singled her out at the condo board meeting.

In a real sense, however, her advantage was not meeting Trump but being taken up by the Mercers. They recruited Conway in 2015 to work on the Cruz campaign, when Trump was still far from the conservative ideal, and then, in August 2016, inserted her into the Trump campaign.

She understood her role. "I will only ever call you Mr. Trump," she told the candidate with perfect-pitch solemnity when he interviewed her for the job. It was a trope she would repeat in interview after interview—Conway was a catalog of learned lines—a message repeated as much for Trump as for others.

Her title was campaign manager, but that was a misnomer. Bannon was the real manager, and she was the senior pollster. But Bannon shortly replaced her in that role and she was left in what Trump saw as the vastly more important role of cable spokesperson.

Conway seemed to have a convenient On-Off toggle. In private, in the Off position, she seemed to regard Trump as a figure of exhausting exaggeration or even absurdity—or, at least, if you regarded him that way, she seemed to suggest that she might, too. She illustrated her opinion of her boss with a whole series of facial expressions: eyes rolling, mouth agape, head snapping back. But in the On position, she metamorphosed into believer, protector, defender, and handler. Conway is an antifeminist (or, actually, in a complicated ideological somersault, she sees feminists as being antifeminists), ascribing her methods and temperament to her being a wife and mother. She's instinctive and reactive. Hence her role as the ultimate Trump defender: she verbally threw herself in front of any bullet coming his way.

Trump loved her defend-at-all-costs shtick. Conway's appearances were on his schedule to watch live. His was often the first call she got after coming off the air. She channeled Trump: she said exactly the kind of Trump stuff that would otherwise make her put a finger-gun to her head.

After the election—Trump's victory setting off a domestic reordering in the Conway household, and a scramble to get her husband an administration job—Trump assumed she would be his press secretary. "He and my mother," Conway said, "because they both watch a lot of television, thought this was one of the most important jobs." In Conway's version, she turned Trump down or demurred. She kept proposing alternatives in which she would be the key spokesperson but would be more as well. In fact, almost everyone else was maneuvering Trump around his desire to appoint Conway.

Loyalty was Trump's most valued attribute, and in Conway's view her kamikaze-like media defense of the president had earned her a position of utmost primacy in the White House. But in her public persona, she had pushed the boundaries of loyalty too far; she was so hyperbolic that even Trump loyalists found her behavior extreme and were repelled. None were more put off than Jared and Ivanka, who, appalled at the

shamelessness of her television appearances, extended this into a larger critique of Conway's vulgarity. When referring to her, they were particularly partial to using the shorthand "nails," a reference to her Cruella de Vil-length manicure treatments.

By mid-February she was already the subject of leaks—many coming from Jared and Ivanka—about how she had been sidelined. She vociferously defended herself, producing a list of television appearances still on her schedule, albeit lesser ones. But she also had a teary scene with Trump in the Oval Office, offering to resign if the president had lost faith in her. Almost invariably, when confronted with self-abnegation, Trump offered copious reassurances. "You will always have a place in my administration," he told her. "You will be here for eight years."

But she had indeed been sidelined, reduced to second-rate media, to being a designated emissary to right-wing groups, and left out of any meaningful decision making. This she blamed on the media, a scourge that further united her in self-pity with Donald Trump. In fact, her relationship with the president deepened as they bonded over their media wounds.

* * *

Hope Hicks, then age twenty-six, was the campaign's first hire. She knew the president vastly better than Conway did, and she understood that her most important media function was not to be in the media.

Hicks grew up in Greenwich, Connecticut. Her father was a PR executive who now worked for the Glover Park Group, the Democratic-leaning communications and political consulting firm; her mother was a former staffer for a democratic congressman. An indifferent student, Hicks went to Southern Methodist University and then did some modeling before getting a PR job. She first went to work for Matthew Hiltzik, who ran a small New York-based PR firm and was noted for his ability to work with high-maintenance clients, including the movie producer Harvey Weinstein (later pilloried for years of sexual harassment and abuse—accusations that Hiltzik and his staff had long helped protect him from) and the television personality Katie Couric. Hiltzik, an active Democrat who had worked for Hillary Clinton, also represented Ivanka Trump's fashion line; Hicks started to do some work for the account and then joined Ivanka's company full time. In 2015, Ivanka seconded her to her father's campaign; as the campaign progressed, moving from novelty project to political factor to juggernaut, Hicks's family increasingly, and incredulously, viewed her as rather having been taken captive. (Following the Trump victory and her move into the White House, her friends and intimates talked with great concern about what kind of therapies and recuperation she would need after her tenure was finally over.)

Over the eighteen months of the campaign, the traveling group usually consisted of the candidate, Hicks, and the campaign manager, Corey Lewandowski. In time, she became—in addition to an inadvertent participant in history, about which she was quite as

astonished as anyone—a kind of Stepford factotum, as absolutely dedicated to and tolerant of Mr. Trump as anyone who had ever worked for him.

Shortly after Lewandowski, with whom Hicks had an on-and-off romantic relationship, was fired in June 2016 for clashing with Trump family members, Hicks sat in Trump Tower with Trump and his sons, worrying about Lewandowski's treatment in the press and wondering aloud how she might help him. Trump, who otherwise seemed to treat Hicks in a protective and even paternal way, looked up and said, "Why? You've already done enough for him. You're the best piece of tail he'll ever have," sending Hicks running from the room.

As new layers began to form around Trump, first as nominee and then as president-elect, Hicks continued playing the role of his personal PR woman. She would remain his constant shadow and the person with the best access to him. "Have you spoken to Hope?" were among the words most frequently uttered in the West Wing.

Hicks, sponsored by Ivanka and ever loyal to her, was in fact thought of as Trump's real daughter, while Ivanka was thought of as his real wife. More functionally, but as elementally, Hicks was the president's chief media handler. She worked by the president's side, wholly separate from the White House's forty-person-strong communications office. The president's personal message and image were entrusted to her—or, more accurately, she was the president's agent in retailing that message and image, which he trusted to no one but himself. Together they formed something of a freelance operation.

Without any particular politics of her own, and, with her New York PR background, quite looking down on the right-wing press, she was the president's official liaison to the mainstream media. The president had charged her with the ultimate job: a good write-up in the *New York Times*.

That, in the president's estimation, had yet failed to happen, "but Hope tries and tries," the president said.

On more than one occasion, after a day—one of the countless days—of particularly bad notices, the president greeted her, affectionately, with "You must be the world's worst PR person."

* * *

In the early days of the transition, with Conway out of the running for the press secretary job, Trump became determined to find a "star." The conservative radio host Laura Ingraham, who had spoken at the convention, was on the list, as was Ann Coulter. Fox Business's Maria Bartiromo was also under consideration. (This was television, the president-elect said, and it ought to be a good-looking woman.) When none of those ideas panned out, the job was offered to Fox News's Tucker Carlson, who turned it down.

But there was a counterview: the press secretary ought to be the opposite of a star. In

fact, the entire press operation ought to be downgraded. If the press was the enemy, why pander to it, why give it more visibility? This was fundamental Bannonism: stop thinking you can somehow get along with your enemies.

As the debate went on, Priebus pushed for one of his deputies at the Republican National Committee, Sean Spicer, a well-liked forty-five-year-old Washington political professional with a string of posts on the Hill in the George W. Bush years as well as with the RNC. Spicer, hesitant to take the job, kept anxiously posing the question to colleagues in the Washington swamp: "If I do this, will I ever be able to work again?"

There were conflicting answers.

During the transition, many members of Trump's team came to agree with Bannon that their approach to White House press management ought to be to push it off—and the longer the arm's length the better. For the press, this initiative, or rumors of it, became another sign of the incoming administration's antipress stance and its systematic efforts to cut off the information supply. In truth, the suggestions about moving the briefing room away from the White House, or curtailing the briefing schedule, or limiting broadcast windows or press pool access, were variously discussed by other incoming administrations. In her husband's White House, Hillary Clinton had been a proponent of limiting press access.

It was Donald Trump who was not able to relinquish this proximity to the press and the stage in his own house. He regularly berated Spicer for his ham-handed performances, often giving his full attention to them. His response to Spicer's briefings was part of his continuing belief that nobody could work the media like he could, that somehow he had been stuck with an F-Troop communications team that was absent charisma, magnetism, and proper media connections.

Trump's pressure on Spicer—a constant stream of directorial castigation and instruction that reliably rattled the press secretary—helped turn the briefings into a can't-miss train wreck. Meanwhile, the real press operation had more or less devolved into a set of competing press organizations within the White House.

There was Hope Hicks and the president, living in what other West Wingers characterized as an alternative universe in which the mainstream media would yet discover the charm and wisdom of Donald Trump. Where past presidents might have spent portions of their day talking about the needs, desires, and points of leverage among various members of Congress, the president and Hicks spent a great deal of time talking about a fixed cast of media personalities, trying to second-guess the real agendas and weak spots among cable anchors and producers and *Times* and *Post* reporters.

Often the focus of this otherworldly ambition was directed at *Times* reporter Maggie Haberman. Haberman's front-page beat at the paper, which might be called the "weirdness of Donald Trump" beat, involved producing vivid tales of eccentricities, questionable

behavior, and shit the president says, told in a knowing, deadpan style. Beyond acknowledging that Trump was a boy from Queens yet in awe of the *Times*, nobody in the West Wing could explain why he and Hicks would so often turn to Haberman for what would so reliably be a mocking and hurtful portrayal. There was some feeling that Trump was returning to scenes of past success: the *Times* might be against him, but Haberman had worked at the *New York Post* for many years. "She's very professional," Conway said, speaking in defense of the president and trying to justify Haberman's extraordinary access. But however intent he remained on getting good ink in the *Times*, the president saw Haberman as "mean and horrible." And yet, on a near-weekly basis, he and Hicks plotted when next to have the *Times* come in.

* * *

Kushner had his personal press operation and Bannon had his. The leaking culture had become so open and overt—most of the time everybody could identify everybody else's leaks—that it was now formally staffed.

Kushner's Office of American Innovation employed, as its spokesperson, Josh Raffel, who, like Hicks, came out of Matthew Hiltzik's PR shop. Raffel, a Democrat who had been working in Hollywood, acted as Kushner and his wife's personal rep—not least of all because the couple felt that Spicer, owing his allegiance to Priebus, was not aggressively representing them. This was explicit. "Josh is Jared's Hope," was his internal West Wing job description.

Raffel coordinated all of Kushner and Ivanka's personal press, though there was more of this for Ivanka than for Kushner. But, more importantly, Raffel coordinated all of Kushner's substantial leaking, or, as it were, his off-the-record briefings and guidance—no small part of it against Bannon. Kushner, who with great conviction asserted that he never leaked, in part justified his press operation as a defense against Bannon's press operation.

Bannon's "person," Alexandra Preate—a witty conservative socialite partial to champagne—had previously represented Breitbart News and other conservative figures like CNBC's Larry Kudlow, and was close friends with Rebekah Mercer. In a relationship that nobody seemed quite able to explain, she handled all of Bannon's press "outreach" but was not employed by the White House, although she maintained an office, or at least an officelike presence, there. The point was clear: her client was Bannon and not the Trump administration.

Bannon, to Jared and Ivanka's continued alarm, had unique access to Breitbart's significant abilities to change the right-wing mood and focus. Bannon insisted he had cut his ties to his former colleagues at Breitbart, but that strained everybody's credulity—and everybody figured nobody was supposed to believe it. Rather, everybody was supposed to fear it.

There was, curiously, general agreement in the West Wing that Donald Trump, the

media president, had one of the most dysfunctional communication operations in modern White House history. Mike Dubke, a Republican PR operative who was hired as White House communications director, was, by all estimations, from the first day on his way out the door. In the end he lasted only three months.

* * *

The White House Correspondents' Dinner rose, as much as any other challenge for the new president and his team, as a test of his abilities. He wanted to do it. He was certain that the power of his charm was greater than the rancor that he bore this audience—or that they bore him.

He recalled his 2015 *Saturday Night Live* appearance—which, in his view, was entirely successful. In fact, he had refused to prepare, had kept saying he would "improvise," no problem. Comedians don't actually improvise, he was told; it's all scripted and rehearsed. But this counsel had only marginal effect.

Almost nobody except the president himself thought he could pull off the Correspondents' Dinner. His staff was terrified that he would die up there in front of a seething and contemptuous audience. Though he could dish it out, often very harshly, no one thought he could take it. Still, the president seemed eager to appear at the event, if casual about it, too—with Hicks, ordinarily encouraging his every impulse, trying not to.

Bannon pressed the symbolic point: the president should not be seen currying the favor of his enemies, or trying to entertain them. The media was a much better whipping boy than it was a partner in crime. The Bannon principle, the steel stake in the ground, remained: don't bend, don't accommodate, don't meet halfway. And in the end, rather than implying that Trump did not have the talent and wit to move this crowd, that was a much better way to persuade the president that he should not appear at the dinner.

When Trump finally agreed to forgo the event, Conway, Hicks, and virtually everybody else in the West Wing breathed a lot easier.

* * *

Shortly after five o'clock on the one hundredth day of his presidency—a particularly muggy one—while twenty-five hundred or so members of news organizations and their friends gathered at the Washington Hilton for the White House Correspondents' Dinner, the president left the West Wing for Marine One, which was soon en route to Andrews Air Force Base. Accompanying him were Steve Bannon, Stephen Miller, Reince Priebus, Hope Hicks, and Kellyanne Conway. Vice President Pence and his wife joined the group at Andrews for the brief flight on Air Force One to Harrisburg, Pennsylvania, where the president would give a speech. During the flight, crab cakes were served, and *Face the Nation*'s John Dickerson was granted a special hundredth-day interview.

The first Harrisburg event was held at a factory that manufactured landscaping and

gardening tools, where the president closely inspected a line of colorful wheelbarrows. The next event, where the speech would be delivered, was at a rodeo arena in the Farm Show Complex and Expo Center.

And that was the point of this little trip. It had been designed both to remind the rest of the country that the president was not just another phony baloney in a tux like those at the White House Correspondents' Dinner (this somehow presupposed that the president's base cared about or was even aware of the event) and to keep the president's mind off the fact that he was missing the dinner.

But the president kept asking for updates on the jokes.

16

COMEY

"It's impossible to make him understand you can't stop these investigations," said Roger Ailes in early May, a frustrated voice in the Trump kitchen cabinet. "In the old days, you could say leave it alone. Now you say leave it alone and you're the one who gets investigated. He can't get this through his head."

In fact, as various members of the billionaires' cabinet tried to calm down the president during their evening phone calls, they were largely egging him on by expressing deep concern about his DOJ and FBI peril. Many of Trump's wealthy friends saw themselves as having particular DOJ expertise. In their own careers, they had had enough issues with the Justice Department to prompt them to develop DOJ relationships and sources, and now they were always up on DOJ gossip. Flynn was going to throw him in the soup. Manafort was going to roll. And it wasn't just Russia. It was Atlantic City. And Mar-a-Lago. And Trump SoHo.

Both Chris Christie and Rudy Giuliani—each a self-styled expert on the DOJ and the FBI, and ever assuring Trump of their inside sources—encouraged him to take the view that the DOJ was resolved against him; it was all part of a holdover Obama plot.

Even more urgent was Charlie Kushner's fear, channeled through his son and daughter-in-law, that the Kushner family's dealings were getting wrapped up in the pursuit of Trump. Leaks in January had put the kibosh on the Kushners' deal with the Chinese financial colossus Anbang Insurance Group to refinance the family's large debt in one of its major real estate holdings, 666 Fifth Avenue. At the end of April, the *New York Times*, supplied with leaks from the DOJ, linked the Kushner business in a front-page article to Beny Steinmetz—an Israeli diamond, mining, and real estate billionaire with Russian ties who was under chronic investigation around the world. (The Kushner position was not helped by the fact that the president had been gleefully telling multiple people that Jared could solve the Middle East problem because the Kushners knew all the best people in Israel.) During the first week of May, the *Times* and the *Washington Post* covered the Kushner family's supposed efforts to attract Chinese investors with the promise of U.S. visas.

"The kids"—Jared and Ivanka—exhibited an increasingly panicked sense that the FBI and DOJ were moving beyond Russian election interference and into finances. "Ivanka is terrified," said a satisfied Bannon.

Trump turned to suggesting to his billionaire chorus that he fire FBI director Comey. He had raised this idea many times before, but always, seemingly, at the same time and in the same context that he brought up the possibility of firing everybody. *Should I fire Bannon? Should I fire Reince? Should I fire McMaster? Should I fire Spicer? Should I fire Tillerson?* This ritual was, everyone understood, more a pretext to a discussion of the power he held than it was, strictly, about personnel decisions. Still, in Trump's poison-the-well fashion, the should-I-fire-so-and-so question, and any consideration of it by any of the billionaires, was translated into agreement, as in: *Carl Icahn thinks I should fire Comey (or Bannon, or Priebus, or McMaster, or Tillerson)*.

His daughter and son-in-law, their urgency compounded by Charlie Kushner's concern, encouraged him, arguing that the once possibly charmable Comey was now a dangerous and uncontrollable player whose profit would inevitably be their loss. When Trump got wound up about something, Bannon noted, someone was usually winding him up. The family focus of discussion—insistent, almost frenzied—became wholly about Comey's ambition. He would rise by damaging them. And the drumbeat grew.

"That son of a bitch is going to try to fire the head of the FBI," said Ailes.

During the first week of May, the president had a ranting meeting with Sessions and his deputy Rod Rosenstein. It was a humiliating meeting for both men, with Trump insisting they couldn't control their own people and pushing them to find a reason to fire Comey—in effect, he blamed them for not having come up with that reason months ago. (It was their fault, he implied, that Comey hadn't been fired right off the bat.)

Also that week, there was a meeting that included the president, Jared and Ivanka, Bannon, Priebus, and White House counsel Don McGahn. It was a closed-door meeting—widely noted because it was unusual for the Oval Office door ever to be closed.

All the Democrats hate Comey, said the president, expressing his certain and self-justifying view. *All the FBI agents hate him, too—75 percent of them can't stand him*. (This was a number that Kushner had somehow alighted on, and Trump had taken it up.) *Firing Comey will be a huge fundraising advantage*, declared the president, a man who almost never talked about fundraising.

McGahn tried to explain that in fact Comey himself was not running the Russia investigation, that without Comey the investigation would proceed anyway. McGahn, the lawyer whose job was necessarily to issue cautions, was a frequent target of Trump rages. Typically these would begin as a kind of exaggeration or acting and then devolve into the real thing: uncontrollable, vein-popping, ugly-face, tantrum stuff. It got primal. Now the president's denunciations focused in a vicious fury on McGahn and his cautions about

Comey.

"Comey was a rat," repeated Trump. There were rats everywhere and you had to get rid of them. *John Dean, John Dean*, he repeated. "Do you know what John Dean did to Nixon?"

Trump, who saw history through personalities—people he might have liked or disliked—was a John Dean freak. He went bananas when a now gray and much aged Dean appeared on talk shows to compare the Trump-Russia investigation to Watergate. That would bring the president to instant attention and launch an inevitable talk-back monologue to the screen about loyalty and what people would do for media attention. It might also be accompanied by several revisionist theories Trump had about Watergate and how Nixon had been framed. And always there were rats. A rat was someone who would take you down for his own advantage. If you had a rat, you needed to kill it. And there were rats all around.

(Later, it was Bannon who had to take the president aside and tell him that John Dean had been the White House counsel in the Nixon administration, so maybe it would be a good idea to lighten up on McGahn.)

As the meeting went on, Bannon, from the doghouse and now, in their mutual antipathy to Jarvanka, allied with Priebus, seized the opportunity to make an impassioned case opposing any move against Comey—which was also, as much, an effort to make the case against Jared and Ivanka and their allies, "the geniuses." ("The geniuses" was one of Trump's terms of derision for anybody who might annoy him or think they were smarter than him, and Bannon now appropriated the term and applied it to Trump's family.) Offering forceful and dire warnings, Bannon told the president: "This Russian story is a third-tier story, but you fire Comey and it'll be the biggest story in the world."

By the time the meeting ended, Bannon and Priebus believed they had prevailed. But that weekend, at Bedminster, the president, again listening to the deep dismay of his daughter and son-in-law, built up another head of steam. With Jared and Ivanka, Stephen Miller was also along for the weekend. The weather was bad and the president missed his golf game, dwelling, with Jared, on his Comey fury. It was Jared, in the version told by those outside the Jarvanka circle, that pushed for action, once more winding up his father-in-law. With the president's assent, Kushner, in this version, gave Miller notes on why the FBI director should be fired and asked him to draft a letter that could set out the basis for immediate dismissal. Miller—less than a deft drafting hand—recruited Hicks to help, another person without clearly relevant abilities. (Miller would later be admonished by Bannon for letting himself get tied up, and potentially implicated, in the Comey mess.)

The letter, in the panicky draft assembled by Miller and Hicks, either from Kushner's directions or on instructions directly coming from the president, was an off-the-wall mishmash containing the talking points—Comey's handling of the Hillary Clinton

investigation; the assertion (from Kushner) that the FBI itself had turned against Comey; and, the president's key obsession, the fact that Comey wouldn't publicly acknowledge that the president wasn't under investigation—that would form the Trump family's case for firing Comey. That is, everything but the fact that Comey's FBI was investigating the president.

The Kushner side, for its part, bitterly fought back against any characterization of Kushner as the prime mover or mastermind, in effect putting the entire Bedminster letter effort—as well as the determination to get rid of Comey—entirely on the president's head and casting Kushner as passive bystander. (The Kushner side's position was articulated as follows: "Did he [Kushner] support the decision? Yes. Was he told this was happening? Yes. Did he encourage it? No. Was he fighting for it [Comey's ouster] for weeks and months? No. Did he fight [the ouster]? No. Did he say it would go badly? No.")

Horrified, McGahn quashed sending it. Nevertheless, it was passed to Sessions and Rosenstein, who quickly began drafting their own version of what Kushner and the president obviously wanted.

"I knew when he got back he might blow at any moment," said Bannon after the president returned from his Bedminster weekend.

* * *

On Monday morning, May 8, in a meeting in the Oval Office, the president told Priebus and Bannon that he had made his decision: he would fire Director Comey. Both men again made heated pleas against the move, arguing for, at the very least, more discussion. Here was a key technique for managing the president: delay. Rolling something forward likely meant that something else—an equal or greater fiasco—would come along to preempt whatever fiasco was currently at hand. What's more, delay worked advantageously with Trump's attention span; whatever the issue of the moment, he would shortly be on to something else. When the meeting ended, Priebus and Bannon thought they had bought some breathing room.

Later that day, Sally Yates and former director of National Intelligence James Clapper appeared before the Senate Judiciary Committee's Crime and Terrorism subcommittee—and were greeted by a series of furious tweets from the president.

Here was, Bannon saw again, the essential Trump problem. He hopelessly personalized everything. He saw the world in commercial and show business terms: someone else was always trying to one-up you, someone else was always trying to take the limelight. The battle was between you and someone else who wanted what you had. For Bannon, reducing the political world to face-offs and spats belittled the place in history Trump and his administration had achieved. But it also belied the real powers they were up against. Not people—institutions.

To Trump, he was just up against Sally Yates, who was, he steamed, "such a cunt."

Since her firing on January 30, Yates had remained suspiciously quiet. When journalists approached her, she, or her intermediaries, explained that per her lawyers she was shut down on all media. The president believed she was merely lying in wait. In phone calls to friends, he worried about her "plan" and "strategy," and he continued to press his after-dinner sources for what they thought she and Ben Rhodes, Trump's favorite Obama plotter, had "up their sleeves."

For each of his enemies—and, actually, for each of his friends—the issue for him came down, in many ways, to their personal press plan. The media was the battlefield. Trump assumed everybody wanted his or her fifteen minutes and that everybody had a press strategy for when they got them. If you couldn't get press directly for yourself, you became a leaker. There was no happenstance news, in Trump's view. All news was manipulated and designed, planned and planted. All news was to some extent fake—he understood that very well, because he himself had faked it so many times in his career. This was why he had so naturally cottoned to the "fake news" label. "I've made stuff up forever, and they always print it," he bragged.

The return of Sally Yates, with her appointment before the Senate Judiciary Committee, marked the beginning, Trump believed, of a sustained and well-organized media rollout for her. (His press view was confirmed later in May by a lavish, hagiographic profile of Yates in the *New Yorker*. "How long do you think she was planning this?" he asked, rhetorically. "You know she was. It's her payday.") "Yates is only famous because of me," the president complained bitterly. "Otherwise, who is she? Nobody."

In front of Congress that Monday morning, Yates delivered a cinematic performance—cool, temperate, detailed, selfless—compounding Trump's fury and agitation.

* * *

On the morning of Tuesday, May 9, with the president still fixated on Comey, and with Kushner and his daughter behind him, Priebus again moved to delay: "There's a right way to do this and a wrong way to do this," he told the president. "We don't want him learning about this on television. I'm going to say this one last time: this is not the right way to do this. If you want to do this, the right way is to have him in and have a conversation. This is the decent way and the professional way." Once more, the president seemed to calm down and become more focused on the necessary process.

But that was a false flag. In fact, the president, in order to avoid embracing conventional process—or, for that matter, any real sense of cause and effect—merely eliminated everybody else from *his* process. For most of the day, almost no one would know that he had decided to take matters into his own hands. In presidential annals, the firing of FBI director James Comey may be the most consequential move ever made by a modern president acting entirely on his own.

As it happened, the Justice Department—Attorney General Sessions and Deputy Attorney General Rod Rosenstein—were, independent of the president's own course, preparing their case against Comey. They would take the Bedminster line and blame Comey for errors of his handling of the Clinton email mess—a problematic charge, because if that was truly the issue, why wasn't Comey dismissed on that basis as soon as the Trump administration took office? But in fact, quite regardless of the Sessions and Rosenstein case, the president had determined to act on his own.

Jared and Ivanka were urging the president on, but even they did not know that the axe would shortly fall. Hope Hicks, Trump's steadfast shadow, who otherwise knew everything the president thought—not least because he was helpless not to express it out loud—didn't know. Steve Bannon, however much he worried that the president might blow, didn't know. His chief of staff didn't know. And his press secretary didn't know. The president, on the verge of starting a war with the FBI, the DOJ, and many in Congress, was going rogue.

At some point that afternoon Trump told his daughter and son-in-law about his plan. They immediately became coconspirators and firmly shut out any competing advice.

Eerily, it was a notably on-time and unruffled day in the West Wing. Mark Halperin, the political reporter and campaign chronicler, was waiting in the reception area for Hope Hicks, who fetched him a bit before 5:00 p.m. Fox's Howard Kurtz was there, too, waiting for his appointment with Sean Spicer. And Reince Priebus's assistant had just been out to tell his five o'clock appointment it would be only a few more minutes.

Just before five, in fact, the president, having not too long before notified McGahn of his intention, pulled the trigger. Trump's personal security guard, Keith Schiller, delivered the termination letter to Comey's office at the FBI just after five o'clock. The letter's second sentence included the words "You are hereby terminated and removed from office, effective immediately."

Shortly thereafter, most of the West Wing staff, courtesy of an erroneous report from Fox News, was for a brief moment under the impression that Comey had resigned. Then, in a series of information synapses throughout the offices of the West Wing, it became clear what had actually happened.

"So next it's a special prosecutor!" said Priebus in disbelief, to no one in particular, when he learned shortly before five o'clock what was happening.

Spicer, who would later be blamed for not figuring out how to positively spin the Comey firing, had only minutes to process it.

Not only had the decision been made by the president with almost no consultation except that of his inner family circle, but the response, and explanation, and even legal justifications, were also almost exclusively managed by him and his family. Rosenstein and Sessions's parallel rationale for the firing was shoehorned in at the last minute, at

which point, at Kushner's direction, the initial explanation of Comey's firing became that the president had acted solely on their recommendation. Spicer was forced to deliver this unlikely rationale, as was the vice president. But this pretense unraveled almost immediately, not least because most everyone in the West Wing, wanting nothing to do with the decision to fire Comey, was helping to unravel it.

The president, along with his family, stood on one side of the White House divide, while the staff—mouths agape, disbelieving and speechless—stood on the other.

But the president seemed also to want it known that he, aroused and dangerous, personally took down Comey. Forget Rosenstein and Sessions, it *was* personal. It was a powerful president and a vengeful one, in every way galled and affronted by those in pursuit of him, and determined to protect his family, who were in turn determined to have him protect them.

"The daughter will take down the father," said Bannon, in a Shakespearian mood.

Within the West Wing there was much replaying of alternative scenarios. If you wanted to get rid of Comey, there were surely politic ways of doing it—which had in fact been suggested to Trump. (A curious one—an idea that later would seem ironic—was to get rid of General Kelly at Homeland Security and move Comey into that job.) But the point really was that Trump had wanted to confront and humiliate the FBI director. Cruelty was a Trump attribute.

The firing had been carried out publicly and in front of his family—catching Comey entirely off guard as he gave a speech in California. Then the president had further personalized the blow with an ad hominem attack on the director, suggesting that the FBI itself was on Trump's side and that it, too, had only contempt for Comey.

The next day, as though to further emphasize and delight in both the insult and his personal impunity, the president met with Russian bigwigs in the Oval Office, including Russia's Ambassador Kislyak, the very focus of much of the Trump-Russia investigation. To the Russians he said: "I just fired the head of the FBI. He was crazy, a real nut job. I faced great pressure because of Russia. That's taken off." Then, to boot, he revealed information supplied to the United States by Israel from its agent in place in Syria about ISIS using laptops to smuggle bombs onto airlines—revealing enough information to compromise the Israeli agent. (This incident did not help Trump's reputation in intelligence circles, since, in spycraft, human sources are to be protected above all other secrets.)

"It's Trump," said Bannon. "He thinks he can fire the FBI."

* * *

Trump believed that firing Comey would make him a hero. Over the next forty-eight hours he spun his side to various friends. It was simple: he had stood up to the FBI. He proved

that he was willing to take on the state power. The outsider against the insiders. After all, that's why he was elected.

At some level he had a point. One reason presidents don't fire the director of the FBI is that they fear the consequences. It's the Hoover syndrome: any president can be hostage to what the FBI knows, and a president who treats the FBI with something less than deference does so at his own peril. But this president had stood up to the feds. One man against the unaccountable power that the left had long railed against—and that more recently the right had taken as a Holy Grail issue, too. "Everybody should be rooting for me," the president said to friends, more and more plaintively.

Here was another peculiar Trump attribute: an inability to see his actions the way most others saw them. Or to fully appreciate how people expected him to behave. The notion of the presidency as an institutional and political concept, with an emphasis on ritual and propriety and semiotic messaging—statesmanship—was quite beyond him.

Inside the government, the response to Comey's firing was a kind of bureaucratic revulsion. Bannon had tried to explain to Trump the essential nature of career government officials, people whose comfort zone was in their association with hegemonic organizations and a sense of a higher cause—they were different, very different, from those who sought individual distinction. Whatever else Comey might be, he was first and foremost a bureaucrat. Casting him ignominiously out was yet another Trump insult to the bureaucracy.

Rod Rosenstein, the author of the letter that ostensibly provided the justification for firing Comey, now stood in the line of fire. The fifty-two-year-old Rosenstein, who, in rimless glasses, seemed to style himself as a bureaucrat's bureaucrat, was the longest-serving U.S. attorney in the country. He lived within the system, all by the book, his highest goal seeming to be to have people say he did things by the book. He was a straight shooter—and he wanted everyone to know it.

All this was undermined by Trump—trashed, even. The brow-beating and snarling president had hectored the country's two top law enforcement officials into an ill-considered or, at the very least, an ill-timed indictment of the director of the FBI. Rosenstein was already feeling used and abused. And then he was shown to have been tricked, too. He was a dupe.

The president had forced Rosenstein and Sessions to construct a legal rationale, yet then he could not even maintain the bureaucratic pretense of following it. Having enlisted Rosenstein and Sessions in his plot, Trump now exposed their efforts to present a reasonable and aboveboard case as a sham—and, arguably, a plan to obstruct justice. The president made it perfectly clear that he hadn't fired the director of the FBI because he did Hillary wrong; he fired Comey because the FBI was too aggressively investigating him and his administration.

Hyper-by-the-book Rod Rosenstein—heretofore the quintessential apolitical player—immediately became, in Washington eyes, a hopeless Trump tool. But Rosenstein's revenge was deft, swift, overwhelming, and (of course) by the book.

Given the decision of the attorney general to recuse himself from the Russia investigation, it fell under the authority of the deputy attorney general to determine whether a conflict existed—that is, whether the deputy attorney general, because of self-interest, might not be able to act objectively—and if, in his sole discretion, he judged a conflict to exist, to appoint an outside special counsel with wide powers and responsibilities to conduct an investigation and, potentially, a prosecution.

On May 17, twelve days after FBI director Comey was fired, without consulting the White House or the attorney general, Rosenstein appointed former FBI director Robert Mueller to oversee the investigation of Trump's, his campaign's, and his staff's ties to Russia. If Michael Flynn had recently become the most powerful man in Washington for what he might reveal about the president, now Mueller arguably assumed that position because he had the power to make Flynn, and all other assorted Trump cronies and flunkies, squeal.

Rosenstein, of course, perhaps with some satisfaction, understood that he had delivered what could be a mortal blow to the Trump presidency.

Bannon, shaking his head in wonder about Trump, commented drily: "He doesn't necessarily see what's coming."

17

ABROAD AND AT HOME

On May 12, Roger Ailes was scheduled to return to New York from Palm Beach to meet with Peter Thiel, an early and lonely Trump supporter in Silicon Valley who had become increasingly astonished by Trump's unpredictability. Ailes and Thiel, both worried that Trump could bring Trumpism down, were set to discuss the funding and launch of a new cable news network. Thiel would pay for it and Ailes would bring O'Reilly, Hannity, himself, and maybe Bannon to it.

But two days before the meeting, Ailes fell in his bathroom and hit his head. Before slipping into a coma, he told his wife not to reschedule the meeting with Thiel. A week later, Ailes, that singular figure in the march from Nixon's silent majority to Reagan's Democrats to Trump's passionate base, was dead.

His funeral in Palm Beach on May 20 was quite a study in the currents of right-wing ambivalence and even mortification. Right-wing professionals remained passionate in their outward defense of Trump but were rattled, if not abashed, among one another. At the funeral, Rush Limbaugh and Laura Ingraham struggled to parse support for Trumpism even as they distanced themselves from Trump himself.

The president had surely become the right wing's meal ticket. He was the ultimate antiliberal: an authoritarian who was the living embodiment of resistance to authority. He was the exuberant inverse of everything the right wing found patronizing and gullible and sanctimonious about the left. And yet, obviously, Trump was Trump—careless, capricious, disloyal, far beyond any sort of control. Nobody knew that as well as the people who knew him best.

Ailes's wife, Beth, had militantly invited only Ailes loyalists to the funeral. Anyone who had wavered in her husband's defense since his firing or had decided that a better future lay with the Murdoch family was excluded. This put Trump, still enthralled by his new standing with Murdoch, on the other side of the line. Hours and then days—carefully tracked by Beth Ailes—ticked off without a condolence call from the president.

The morning of the funeral, Sean Hannity's private plane took off for Palm Beach from

Republic Airport in Farmingdale, Long Island. Accompanying Hannity was a small group of current and former Fox employees, all Ailes and Trump partisans. But each felt some open angst, or even incredulity, about Trump being Trump: first there was the difficulty of grasping the Comey rationale, and now his failure to give even a nod to his late friend Ailes.

"He's an idiot, obviously," said the former Fox correspondent Liz Trotta.

Fox anchor Kimberly Guilfoyle spent much of the flight debating Trump's entreaties to have her replace Sean Spicer at the White House. "There are a lot of issues, including personal survival."

As for Hannity himself, his view of the right-wing world was shifting from Foxcentric to Trumpcentric. He did not think much more than a year would pass before he, too, would be pushed from the network, or find it too inhospitable to stay on. And yet he was pained by Trump's slavish attentions to Murdoch, who had not only ousted Ailes but whose conservatism was at best utilitarian. "He was for Hillary!" said Hannity.

Ruminating out loud, Hannity said he would leave the network and go work full time for Trump, because nothing was more important than that Trump succeed—"in spite of himself," Hannity added, laughing.

But he was pissed off that Trump hadn't called Beth. "Mueller," he concluded, drawing deeply on an electronic cigarette, had distracted him.

Trump may be a Frankenstein creation, but he was the right wing's creation, the first, true, right-wing original. Hannity could look past the Comey disaster. And Jared. And the mess in the White House.

Still, he hadn't called Beth.

"What the fuck is wrong with him?" asked Hannity.

* * *

Trump believed he was one win away from turning everything around. Or, perhaps more to the point, one win away from good press that would turn everything around. The fact that he had largely squandered his first hundred days—whose victories should have been the currency of the next hundred days—was immaterial. You could be down in the media one day and then the next have a hit that made you a success.

"Big things, we need big things," he said, angrily and often. "This isn't big. I need big. Bring me big. Do you even know what big is?"

Repeal and replace, infrastructure, true tax reform—the rollout Trump had promised and then depended on Paul Ryan to deliver—was effectively in tatters. Every senior staff member was now maintaining that they shouldn't have done health care, the precursor to the legislative rollout, in the first place. Whose idea was that, anyway?

The natural default might be to do smaller things, incremental versions of the program. But Trump showed little interest in the small stuff. He became listless and irritable.

So, okay, it would have to be peace in the Middle East.

For Trump, as for many showmen or press release entrepreneurs, the enemy of everything is complexity and red tape, and the solution for everything is cutting corners. Bypass or ignore the difficulties; just move in a straight line to the vision, which, if it's bold enough, or grandiose enough, will sell itself. In this formula, there is always a series of middlemen who will promise to help you cut the corners, as well as partners who will be happy to piggyback on your grandiosity.

Enter the Crown Prince of the House of Saud, Mohammed bin Salman bin Abdulaziz Al Saud, age thirty-one. Aka MBS.

The fortuitous circumstance was that the king of Saudi Arabia, MBS's father, was losing it. The consensus in the Saudi royal family about a need to modernize was growing stronger (somewhat). MBS—an inveterate player of video games—was a new sort of personality in the Saudi leadership. He was voluble, open, and expansive, a charmer and an international player, a canny salesman rather than a remote, taciturn grandee. He had seized the economic portfolio and was pursuing a vision—quite a Trumpian vision—to out-Dubai Dubai and diversify the economy. His would be a new, modern—well, a bit more modern—kingdom (yes, women would soon be allowed to drive—so thank God self-driving cars were coming!). Saudi leadership was marked by age, traditionalism, relative anonymity, and careful consensus thinking. The Saudi royal family, on the other hand, whence the leadership class comes, was often marked by excess, flash, and the partaking of the joys of modernity in foreign ports. MBS, a man in a hurry, was trying to bridge the Saudi royal selves.

Global liberal leadership had been all but paralyzed by the election of Donald Trump—indeed, by the very *existence* of Donald Trump. But it was an inverted universe in the Middle East. The Obama truculence and hyperrationalization and micromanaging, preceded by the Bush moral militarism and ensuing disruptions, preceded by Clinton deal making, quid pro quo, and backstabbing, had opened the way for Trump's version of realpolitik. He had no patience with the our-hands-are-tied ennui of the post-cold war order, that sense of the chess board locked in place, of incremental movement being the best-case scenario—the alternative being only war. His was a much simpler view: Who's got the power? Give me his number.

And, just as basically: The enemy of my enemy is my friend. If Trump had one fixed point of reference in the Middle East, it was—mostly courtesy of Michael Flynn's tutoring—that Iran was the bad guy. Hence everybody opposed to Iran was a pretty good guy.

After the election, MBS had reached out to Kushner. In the confusion of the Trump transition, nobody with foreign policy stature and an international network had been put in

place—even the new secretary of state designate, Rex Tillerson, had no real experience in foreign policy. To bewildered foreign secretaries, it seemed logical to see the presidentelect's son-in-law as a figure of stability. Whatever happened, he would be there. And for certain regimes, especially the familycentric Saudis, Kushner, the son-in-law, was much more reassuring than a policy person. He wasn't in his job because of his ideas.

Of the many Trump gashes in modern major-power governing, you could certainly drive a Trojan horse through his lack of foreign policy particulars and relationships. This presented a do-over opportunity for the world in its relationship with the United States—or it did if you were willing to speak the new Trump language, whatever that was. There wasn't much of a road map here, just pure opportunism, a new transactional openness. Or, even more, a chance to use the powers of charm and seduction to which Trump responded as enthusiastically as he did to offers of advantageous new deals.

It was Kissingeresque realpolitik. Kissinger himself, long familiar with Trump by way of the New York social world and now taking Kushner under his wing, was successfully reinserting himself, helping to organize meetings with the Chinese and the Russians.

Most of America's usual partners, and even many antagonists, were unsettled if not horrified. Still, some saw opportunity. The Russians could see a free pass on the Ukraine and Georgia, as well as a lifting of sanctions, in return for giving up on Iran and Syria. Early in the transition, a high-ranking official in the Turkish government reached out in genuine confusion to a prominent U.S. business figure to inquire whether Turkey would have better leverage by putting pressure on the U.S. military presence in Turkey or by offering the new president an enviable hotel site on the Bosporus.

There was something curiously aligned between the Trump family and MBS. Like the entire Saudi leadership, MBS had, practically speaking, no education outside of Saudi Arabia. In the past, this had worked to limit the Saudi options—nobody was equipped to confidently explore new intellectual possibilities. As a consequence, everybody was wary of trying to get them to imagine change. But MBS and Trump were on pretty much equal footing. Knowing little made them oddly comfortable with each other. When MBS offered himself to Kushner as his guy in the Saudi kingdom, that was "like meeting someone nice at your first day of boarding school," said Kushner's friend.

Casting aside, in very quick order, previously held assumptions—in fact, not really aware of those assumptions—the new Trump thinking about the Middle East became the following: There are basically four players (or at least we can forget everybody else)—Israel, Egypt, Saudi Arabia, and Iran. The first three can be united against the fourth. And Egypt and Saudi Arabia, given what they want with respect to Iran—and anything else that does not interfere with the United States' interests—will pressure the Palestinians to make a deal. Voilà.

This represented a queasy-making mishmash of thought. Bannon's isolationism (a pox

on all your houses—and keep us out of it); Flynn's anti-Iranism (of all the world's perfidy and toxicity, there is none like that of the mullahs); and Kushner's Kissingerism (not so much Kissingerism as, having no point of view himself, a dutiful attempt to follow the ninety-four-year-old's advice).

But the fundamental point was that the last three administrations had gotten the Middle East wrong. It was impossible to overstate how much contempt the Trump people felt for the business-as-usual thinking that had gotten it so wrong. Hence, the new operating principle was simple: do the opposite of what they (Obama, but the Bush neocons, too) would do. Their behavior, their conceits, their ideas—in some sense even their backgrounds, education, and class—were all suspect. And, what's more, you don't really have to know all that much yourself; you just do it differently than it was done before.

The old foreign policy was based on the idea of nuance: facing an infinitely complex multilateral algebra of threats, interests, incentives, deals, and ever evolving relationships, we strain to reach a balanced future. In practice, the new foreign policy, an effective Trump doctrine, was to reduce the board to three elements: powers we can work with, powers we cannot work with, and those without enough power whom we can functionally disregard or sacrifice. It was cold war stuff. And, indeed, in the larger Trump view, it was during the cold war that time and circumstance gave the United States its greatest global advantage. That was when America was great.

* * *

Kushner was the driver of the Trump doctrine. His test cases were China, Mexico, Canada, and Saudi Arabia. He offered each country the opportunity to make his father-in-law happy.

In the first days of the administration, Mexico blew its chance. In transcripts of conversations between Trump and Mexican president Enrique Peña Nieto that would later become public, it was vividly clear that Mexico did not understand or was unwilling to play the new game. The Mexican president refused to construct a pretense for paying for the wall, a pretense that might have redounded to his vast advantage (without his having to actually pay for the wall).

Not long after, Canada's new prime minister, Justin Trudeau, a forty-five-year-old globalist in the style of Clinton and Blair, came to Washington and repeatedly smiled and bit his tongue. And that did the trick: Canada quickly became Trump's new best friend.

The Chinese, who Trump had oft maligned during the campaign, came to Mar-a-Lago for a summit advanced by Kushner and Kissinger. (This required some tutoring for Trump, who referred to the Chinese leader as "Mr. X-i"; the president was told to think of him as a woman and call him "she.") They were in an agreeable mood, evidently willing to humor Trump. And they quickly figured out that if you flatter him, he flatters you.

But it was the Saudis, also often maligned during the campaign, who, with their

intuitive understanding of family, ceremony, and ritual and propriety, truly scored.

The foreign policy establishment had a long and well-honed relationship with MBS's rival, the crown prince, Mohammed bin Nayef (MBN). Key NSA and State Department figures were alarmed that Kushner's discussions and fast-advancing relationship with MBS would send a dangerous message to MBN. And of course it did. The foreign policy people believed Kushner was being led by MBS, whose real views were entirely untested. The Kushner view was either, naïvely, that he wasn't being led, or, with the confidence of a thirty-six-year-old assuming the new prerogatives of the man in charge, that he didn't care: let's embrace anybody who will embrace us.

The Kushner/MBS plan that emerged was straightforward in a way that foreign policy usually isn't: If you give us what we want, we'll give you what you want. On MBS's assurance that he would deliver some seriously good news, he was invited to visit the White House in March. (The Saudis arrived with a big delegation, but they were received at the White House by only the president's small circle—and the Saudis took particular note that Trump ordered Priebus to jump up and fetch him things during the meeting.) The two large men, the older Trump and much younger MBS—both charmers, flatterers, and country club jokers, each in their way—grandly hit it off.

It was an aggressive bit of diplomacy. MBS was using this Trump embrace as part of his own power play in the kingdom. And the Trump White House, ever denying this was the case, let him. In return, MBS offered a basket of deals and announcements that would coincide with a scheduled presidential visit to Saudi Arabia—Trump's first trip abroad. Trump would get a "win."

Planned before the Comey firing and Mueller hiring, the trip had State Department professionals alarmed. The itinerary—May 19 to May 27—was too long for any president, particularly such an untested and untutored one. (Trump himself, full of phobias about travel and unfamiliar locations, had been grumbling about the burdens of the trip.) But coming immediately after Comey and Mueller it was a get-out-of-Dodge godsend. There couldn't have been a better time to be making headlines far from Washington. A road trip could transform everything.

Almost the entire West Wing, along with State Department and National Security staff, was on board for the trip: Melania Trump, Ivanka Trump, Jared Kushner, Reince Priebus, Stephen Bannon, Gary Cohn, Dina Powell, Hope Hicks, Sean Spicer, Stephen Miller, Joe Hagin, Rex Tillerson, and Michael Anton. Also included were Sarah Huckabee Sanders, the deputy press secretary; Dan Scavino, the administration's social media director; Keith Schiller, the president's personal security adviser; and Wilbur Ross, the commerce secretary. (Ross was widely ridiculed for never missing an Air Force One opportunity—as Bannon put it, "Wilbur is Zelig, every time you turn around he's in a picture.") This trip and the robust American delegation was the antidote, and alternate universe to the Mueller appointment.

The president and his son-in-law could barely contain their confidence and enthusiasm. They felt certain that they had set out on the road to peace in the Middle East—and in this, they were much like a number of other administrations that had come before them.

Trump was effusive in his praise for Kushner. "Jared's gotten the Arabs totally on our side. Done deal," he assured one of his after-dinner callers before leaving on the trip. "It's going to be beautiful."

"He believed," said the caller, "that this trip could pull it out, like a twist in a bad movie."

* * *

On the empty roads of Riyadh, the presidential motorcade passed billboards with pictures of Trump and the Saudi king (MBS's eighty-one-year-old father) with the legend TOGETHER WE PREVAIL.

In part, the president's enthusiasm seemed to be born out of—or perhaps had caused—a substantial exaggeration of what had actually been agreed to during the negotiations ahead of the trip. In the days before his departure, he was telling people that the Saudis were going to finance an entirely new military presence in the kingdom, supplanting and even replacing the U.S. command headquarters in Qatar. And there would be "the biggest breakthrough in Israel-Palestine negotiations ever." It would be "*the* game changer, major like has never been seen."

In truth, his version of what would be accomplished was a quantum leap beyond what was actually agreed, but that did not seem to alter his feelings of zeal and delight.

The Saudis would immediately buy $110 billion's worth of American arms, and a total of $350 billion over ten years. "Hundreds of billions of dollars of investments into the United States and jobs, jobs, jobs," declared the president. Plus, the Americans and the Saudis would together "counter violent extremist messaging, disrupt financing of terrorism, and advance defense cooperation." And they would establish a center in Riyadh to fight extremism. And if this was not exactly peace in the Middle East, the president, according to the secretary of state, "feels like there's a moment in time here. The president's going to talk with Netanyahu about the process going forward. He's going to be talking to President Abbas about what he feels is necessary for the Palestinians to be successful."

It was all a Trumpian big deal. Meanwhile, the First Family—POTUS, FLOTUS, and Jared and Ivanka—were ferried around in gold golf carts, and the Saudis threw a $75 million party in Trump's honor, with Trump getting to sit on a thronelike chair. (The president, while receiving an honor from the Saudi king, appeared in a photograph to have bowed, arousing some right-wing ire.)

Fifty Arab and Muslim nations were summoned by the Saudis to pay the president

court. The president called home to tell his friends how natural and easy this was, and how, inexplicably and suspiciously, Obama had messed it all up. There "has been a little strain, but there won't be strain with this administration," the president assured Hamad bin Isa Al Khalifa, the king of Bahrain.

Abdel Fattah el-Sisi, the Egyptian strongman, ably stroked the president and said, "You are a unique personality that is capable of doing the impossible." (To Sisi, Trump replied, "Love your shoes. Boy, those shoes. Man… .")

It was, in dramatic ways, a shift in foreign policy attitude and strategy—and its effects were almost immediate. The president, ignoring if not defying foreign policy advice, gave a nod to the Saudis' plan to bully Qatar. Trump's view was that Qatar was providing financial support to terror groups—pay no attention to a similar Saudi history. (Only *some* members of the Saudi royal family had provided such support, went the new reasoning.) Within weeks of the trip, MBS, detaining MBN quite in the dead of night, would force him to relinquish the Crown Prince title, which MBS would then assume for himself. Trump would tell friends that he and Jared had engineered this: "We've put our man on top!"

From Riyadh, the presidential party went on to Jerusalem, where the president met with Netanyahu and, in Bethlehem, with Abbas, expressing ever greater certainty that, in his third-person guise, "Trump will make peace." Then to Rome to meet the pope. Then to Brussels, where, in character, he meaningfully drew the line between Western-alliance-based foreign policy, which had been firmly in place since World War II, and the new America First ethos.

In Trump's view, all this should have been presidency-shaping stuff. He couldn't believe his dramatic accomplishments weren't getting bigger play. He was simply in denial, Bannon, Priebus, and others noted, about the continuing and competing Comey and Mueller headlines.

One of Trump's deficiencies—a constant in the campaign and, so far, in the presidency—was his uncertain grasp of cause and effect. Until now, whatever problems he might have caused in the past had reliably been supplanted by new events, giving him the confidence that one bad story can always be replaced by a better, more dramatic story. He could always change the conversation. The Saudi trip and his bold campaign to upend the old foreign policy world order should have accomplished exactly that. But the president continued to find himself trapped, incredulously on his part, by Comey and Mueller. Nothing seemed to move on from those two events.

After the Saudi leg of the trip, Bannon and Priebus, both exhausted by the trip's intense proximity to the president and his family, peeled off and headed back to Washington. It was now their job to deal with what had become, in the White House staff's absence, the actual, even ultimate, presidency-shaping crisis.

* * *

What did the people around Trump actually think of Trump? This was not just a reasonable question, it was the question those around Trump most asked themselves. They constantly struggled to figure out what they themselves actually thought and what they thought everybody else was truly thinking.

Mostly they kept their answers to themselves, but in the instance of Comey and Mueller, beyond all the usual dodging and weaving rationalizations, there really wasn't anybody, other than the president's family, who didn't very pointedly blame Trump himself.

This was the point at which an emperors-new-clothes threshold was crossed. Now you could, out loud, rather freely doubt his judgment, acumen, and, most of all, the advice he was getting.

"He's not only crazy," declared Tom Barrack to a friend, "he's stupid."

But Bannon, along with Priebus, had strongly opposed the Comey firing, while Ivanka and Jared had not only supported it, but insisted on it. This seismic event prompted a new theme from Bannon, repeated by him widely, which was that every piece of advice from the couple was bad advice.

Nobody now believed that firing Comey was a good idea; even the president seemed sheepish. Hence, Bannon saw his new role as saving Trump—and Trump would always need saving. He might be a brilliant actor but he could not manage his own career.

And for Bannon, this new challenge brought a clear benefit: when Trump's fortune sank, Bannon's rose.

On the trip to the Middle East, Bannon went to work. He became focused on the figure of Lanny Davis, one of the Clinton impeachment lawyers who, for the better part of two years, became a near round-the-clock spokesperson and public defender of the Clinton White House. Bannon judged Comey-Mueller to be as threatening to the Trump White House as Monica Lewinsky and Ken Starr were to the Clinton White House, and he saw the model for escaping a mortal fate in the Clinton response.

"What the Clintons did was to go to the mattresses with amazing discipline," he explained. "They set up an outside shop and then Bill and Hillary never mentioned it again. They ground through it. Starr had them dead to rights and they got through it."

Bannon knew exactly what needed to be done: seal off the West Wing and build a separate legal and communications staff to defend the president. In this construct, the president would occupy a parallel reality, removed from and uninvolved with what would become an obvious partisan blood sport—as it had in the Clinton model. Politics would be relegated to its nasty corner, and Trump would conduct himself as the president and as the commander in chief.

"So we're going to do it," insisted Bannon, with *joie de guerre* and manic energy, "the way they did it. Separate war room, separate lawyers, separate spokespeople. It's keeping that fight over there so we can wage this other fight over here. Everybody gets this. Well, maybe not Trump so much. Not clear. Maybe a little. Not what he imagined."

Bannon, in great excitement, and Priebus, grateful for an excuse to leave the president's side, rushed back to the West Wing to begin to cordon it off.

It did not escape Priebus's notice that Bannon had in mind to create a rear guard of defenders—David Bossie, Corey Lewandowski, and Jason Miller, all of whom would be outside spokespeople—that would largely be loyal to him. Most of all, it did not escape Priebus that Bannon was asking the president to play a role entirely out of character: the cool, steady, long-suffering chief executive.

And it certainly didn't help that they were unable to hire a law firm with a top-notch white-collar government practice. By the time Bannon and Priebus were back in Washington, three blue-chip firms had said no. All of them were afraid they would face a rebellion among the younger staff if they represented Trump, afraid Trump would publicly humiliate them if the going got tough, and afraid Trump would stiff them for the bill.

In the end, nine top firms turned them down.

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BANNON REDUX

Bannon was back, according to the Bannon faction. According to Bannon himself: "I'm good. I'm *good*. I'm back. I said don't do it. You don't fire the director of the FBI. The geniuses around here thought otherwise."

Was Bannon back? asked the worried other side of the house—Jared and Ivanka, Dina Powell, Gary Cohn, Hope Hicks, H. R. McMaster.

If he was back, that meant he had successfully defied the organizational premise of the Trump White House: the family would always prevail. Steve Bannon had, even in his internal exile, not stopped his running public verbal assault on Jared and Ivanka. Off the record became Bannon's effective on the record. These were bitter, sometimes hilarious, denunciations of the couple's acumen, intelligence, and motives: "They think they're defending him, but they are always defending themselves."

Now he declared they were finished as a power center—destroyed. And if not, they would destroy the president with their terrible and self-serving advice. Even worse than Jared was Ivanka. "She was a nonevent on the campaign. She became a White House staffer and that's when people suddenly realized she's dumb as a brick. A little marketing savvy and has a look, but as far as understanding actually how the world works and what politics is and what it means—nothing. Once you expose that, you lose such credibility. Jared just kind of flits in and does the Arab stuff."

The folks on the Jarvanka side seemed more and more genuinely afraid of what might happen if they crossed the Bannon side. Because the Bannonites, they truly seemed to fear, were assassins.

On the flight to Riyadh, Dina Powell approached Bannon about a leak involving her to a right-wing news site. She told him she knew the leak had come from Julia Hahn, one of Bannon's people and a former Breitbart writer.

"You should take it up with her," said an amused Bannon. "But she's a beast. And she will come at you. Let me know how it works out."

Among Bannon's many regular targets, Powell had become a favorite. She was often billed as Deputy National Security Advisor; that was her sometime designation even in the *New York Times*. Actually, she was Deputy National Security Advisor *for Strategy*—the difference, Bannon pointed out, between the COO of a hotel chain and the concierge.

Coming back from the overseas trip, Powell began to talk in earnest to friends about her timetable to get out of the White House and back into a private-sector job. Sheryl Sandberg, she said, was her model.

"Oh my fucking god," said Bannon.

On May 26, the day before the presidential party returned from the overseas trip, the *Washington Post* reported that during the transition, Kushner and Sergey Kislyak, the Russian ambassador, had, at Kushner's instigation, discussed the possibility of having the Russians set up a private communications channel between the transition team and the Kremlin. The *Post* cited "U.S. officials briefed on intelligence reports." The Jarvanka side believed that Bannon was the source.

Part of the by now deep enmity between the First Family couple and their allies and Bannon and his team was the Jarvanka conviction that Bannon had played a part in many of the reports of Kushner's interactions with the Russians. This was not, in other words, merely an internal policy war; it was a death match. For Bannon to live, Kushner would have to be wholly discredited—pilloried, investigated, possibly even jailed.

Bannon, assured by everyone that there was no winning against the Trump family, hardly tried to hide his satisfied belief that he was going to outplay them. In the Oval Office, in front of her father, Bannon openly attacked her. "You," he said, pointing at her as the president watched, "are a fucking liar." Ivanka's bitter complaints to her father, which in the past had diminished Bannon, were now met by a hands-off Trump: "I told you this is a tough town, baby."

* * *

But if Bannon was back, it was far from clear what being back meant. Trump being Trump, was this true rehabilitation, or did he feel an even deeper rancor toward Bannon for having survived his initial intention to kill him? Nobody really thought Trump forgot—instead, he dwelled and ruminated and chewed. "One of the worst things is when he believes you've succeeded at his expense," explained Sam Nunberg, once on the inside of the Trump circle, then cast to the outside. "If your win is in any way perceived as his loss, phew."

For his part, Bannon believed he was back because, at a pivotal moment, his advice had proved vastly better than that of the "geniuses." Firing Comey, the solve-all-problems Jarvanka solution, had indeed unleashed a set of terrible consequences.

The Jarvanka side believed that Bannon was in essence blackmailing the president. As

Bannon went, so went the virulence of right-wing digital media. Despite his apparent obsession with the "fake news" put out by the *New York Times*, the *Washington Post*, and CNN, for the president the threat of fake news was actually greater on the right. Though he would never call out fake news on Fox, Breitbart, and the others, these outlets—which could conceivably spew a catchall of conspiracies in which a weak Trump sold out to a powerful establishment—were potentially far more dangerous than their counterparts on the left.

Bannon, too, was seen to be rectifying an earlier bureaucratic mistake. Where initially he had been content to be the brains of the operation—confident that he was vastly smarter than everybody else (and, indeed, few tried to challenge him for that title)—and not staff up, now he was putting his organization and loyalists firmly in place. His off-balance-sheet communications staff—Bossie, Lewandowski, Jason Miller, Sam Nunberg (even though he had long fallen out with Trump himself), and Alexandra Preate—formed quite a private army of leakers and defenders. What's more, whatever breach there had been between Bannon and Priebus came smoothly together over their mutual loathing of Jared and Ivanka. The professional White House was united against the amateur family White House.

Adding to Bannon's new bureaucratic advantage, he had maximum influence on the staffing of the new firewall team, the lawyers and comm staff who would collectively become the Lanny Davis of the Trump defense. Unable to hire prestige talent, Bannon turned to one of the president's longtime hit-man lawyers, Marc Kasowitz. Bannon had previously bonded with Kasowitz when the attorney had handled a series of near-death problems on the campaign, including dealing with a vast number of allegations and legal threats from an ever growing list of women accusing Trump of molesting and harassing them.

On May 31, the Bannon firewall plan went into effect. Henceforth, all discussion related to Russia, the Mueller and congressional investigations, and other personal legal issues would be entirely handled by the Kasowitz team. The president, as Bannon described the plan in private and as he urged his boss, would no longer be addressing any of these areas. Among the many, many efforts to force Trump into presidential mode, this was the latest.

Bannon then installed Mark Corallo, a former Karl Rove communications staffer, as the firewall spokesperson. He was also planning to put in Bossie and Lewandowski as part of the crisis management team. And at Bannon's prompting, Kasowitz attempted to further insulate the president by giving his client a central piece of advice: send the kids home.

Bannon was indeed back. It was his team. It was his wall around the president—one that he hoped would keep Jarvanka out.

Bannon's formal moment of being back was marked by a major milestone. On June 1,

after a long and bitter internal debate, the president announced that he had decided to withdraw from the Paris Climate Agreement. For Bannon, it was a deeply satisfying slap in the face of liberal rectitude—Elon Musk and Bob Iger immediately resigned from Trump's business council—and confirmation of Trump's true Bannonite instincts.

It was, likewise, the move that Ivanka Trump had campaigned hardest against in the White House.

"Score," said Bannon. "The bitch is dead."

* * *

There are few modern political variables more disruptive than a dedicated prosecutor. It's the ultimate wild card.

A prosecutor means that the issue under investigation—or, invariably, cascading issues—will be a constant media focus. Setting their own public stage, prosecutors are certain leakers.

It means that everybody in a widening circle has to hire a lawyer. Even tangential involvement can cost six figures; central involvement quickly rises into the millions.

By early summer, there was already an intense seller's market in Washington for top criminal legal talent. As the Mueller investigation got under way, White House staffers made a panicky rush to get the best firm before someone else got there first and created a conflict.

"Can't talk about Russia, nothing, can't go there," said Katie Walsh, now three months removed from the White House, on advice of her new counsel.

Any interviews or depositions given to investigators risked putting you in jeopardy. What's more, every day in the White House brought new dangers: any random meeting you might find yourself in exposed you more.

Bannon kept insisting on the absolute importance of this point—and for him the strategic importance. If you didn't want to find yourself getting wrung out in front of Congress, your career and your net worth in jeopardy, be careful who you spoke to. More to the point: you must not under any circumstances speak to Jared and Ivanka, who were now Russia toxic. It was Bannon's widely advertised virtue and advantage: "I've never been to Russia. I don't know anybody from Russia. I've never spoken to any Russians. And I'd just as well not speak to anyone who has."

Bannon observed a hapless Pence in a lot of "wrong meetings," and helped to bring in the Republican operative Nick Ayers as Pence's chief of staff, and to get "our fallback guy" out of the White House and "running around the world and looking like a vice president."

And beyond the immediate fears and disruption, there was the virtually certain

outcome that a special prosecutor delegated to find a crime would find one—likely many. Everybody became a potential agent of implicating others. Dominos would fall. Targets would flip.

Paul Manafort, making a good living in international financial gray areas, his risk calculation based on the long-shot odds that an under-the-radar privateer would ever receive close scrutiny, would now be subjected to microscopic review. His nemesis, Oleg Deripaska—still pursuing his $17 million claim against Manafort and himself looking for favorable treatment from federal authorities who had restricted his travel to the United States—was continuing his own deep investigation into Manafort's Russian and Ukrainian business affairs.

Tom Barrack, privy to the president's stream of consciousness as well as his financial history, was suddenly taking stock of his own exposure. Indeed, all the billionaire friends with whom Trump got on the phone and gossiped and rambled were potential witnesses.

In the past, administrations forced to deal with a special prosecutor appointed to investigate and prosecute matters with which the president might have been involved usually became consumed by the effort to cope. Their tenure broke into "before" and "after" periods—with the "after" period hopelessly bogged down in the soap opera of G-man pursuit. Now it looked like the "after" period would be almost the entirety of the Trump administration.

The idea of formal collusion and artful conspiracy—as media and Democrats more or less breathlessly believed or hoped had happened between Trump and the Russians—seemed unlikely to everybody in the White House. (Bannon's comment that the Trump campaign was not organized enough to collude with its own state organizations became everybody's favorite talking point—not least because it was true.) But nobody was vouching for the side deals and freelance operations and otherwise nothing-burger stuff that was a prosecutor's daily bread and the likely detritus of the Trump hangers-on. And everybody believed that if the investigation moved into the long chain of Trump financial transactions, it would almost certainly reach the Trump family and the Trump White House.

And then there was the president's insistent claim that he could do something. *I can fire him*, he would say. Indeed, it was another of his repetitive loops: I can fire him. I *can* fire him. Mueller. The idea of a showdown in which the stronger, more determined, more intransigent, more damn-the-consequences man prevails was central to Trump's own personal mythology. He lived in a mano a mano world, one in which if your own respectability and sense of personal dignity were not a paramount issue—if you weren't weak in the sense of needing to seem like a reasonable and respectable person—you had a terrific advantage. And if you made it personal, if you believed that when the fight really mattered that it was kill or be killed, you were unlikely to meet someone willing to make it as personal as you were.

This was Bannon's fundamental insight about Trump: he made *everything* personal, and he was helpless not to.

* * *

Dissuaded by everyone from focusing his anger on Mueller (at least for now), the president focused on Sessions.

Sessions—"Beauregard"—was a close Bannon ally, and in May and June the president's almost daily digs against the attorney general—beyond even his loyalty and resolve, Trump issued scathing criticism of his stature, voice, and dress—provided a sudden bit of good news for the anti-Bannon side of the house. Bannon, they reasoned, couldn't really be on top if his key proxy was now being blamed for everything bad in Trump's life. As always, Trump's regard or scorn was infectious. If you were in favor, then whatever and whomever he associated with you was also in favor. If you weren't, then everything associated with you was poisonous.

The brutality of Trump's dissatisfaction kept increasing. A small man with a Mr. Magoo stature and an old-fashioned Southern accent, Sessions was bitterly mocked by the president, who drew a corrosive portrait of physical and mental weakness. Insult trauma radiated out of the Oval Office. You could hear it when passing by.

Bannon's efforts to talk the president down—reminding Trump of the difficulties they would encounter during another attorney general confirmation, the importance of Sessions to the hard conservative base, the loyalty that Sessions had shown during the Trump campaign—backfired. To the anti-Bannon side's satisfaction, they resulted in another round of Trump's dissing Bannon.

The attack on Sessions now became, at least in the president's mind, the opening salvo in an active effort to replace Sessions as attorney general. But there were only two candidates to run the Justice Department from whom Trump believed he could extract absolute loyalty, Chris Christie and Rudy Giuliani. He believed they would both perform kamikaze acts for him—just as everyone else knew they would almost certainly never be confirmed.

* * *

As James Comey's testimony before the Senate Intelligence Committee approached—it would take place on June 8, twelve days after the presidential traveling party returned home from the long trip to the Middle East and Europe—there began among senior staffers an almost open inquiry into Trump's motives and state of mind.

This seemed spurred by an obvious question: Why hadn't he fired Comey during his first days of office, when it would likely have been seen as a natural changing of the guard with no clear connection to the Russian investigation? There were many equivocal answers: general disorganization, the fast pace of events, and a genuine sense of innocence

and naïveté about the Russian charges. But now there seemed to be a new understanding: Donald Trump believed he had vastly more power, authority, and control than in fact he had, and he believed his talent for manipulating people and bending and dominating them was vastly greater than it was. Pushing this line of reasoning just a little further: senior staff believed the president had a problem with reality, and reality was now overwhelming him.

If true, this notion directly contravened the basic premise of the support for Trump among his staff. In some sense, not too closely questioned, they believed he had almost magical powers. Since his success was not explainable, he must have talents beyond what they could fathom. His instincts. Or his salesman's gifts. Or his energy. Or just the fact that he was the opposite of what he was supposed to be. This was out-of-the-ordinary politics—shock-to-the-system politics—but it could work.

But what if it didn't? What if they were all profoundly wrong?

Comey's firing and the Mueller investigation prompted a delayed reckoning that ended months of willing suspension of disbelief. These sudden doubts and considerations—at the highest level of government—did not quite yet go to the president's ability to adequately function in his job. But they did, arguably for the first time in open discussions, go to the view that he was hopelessly prone to self-sabotaging his ability to function in the job. This insight, scary as it was, at least left open the possibility that if all the elements of self-sabotage were carefully controlled—his information, his contacts, his public remarks, and the sense of danger and threat to him—he might yet be able to pull it together and successfully perform.

Quite suddenly, this became the prevailing view of the Trump presidency and the opportunity that still beckoned: you can be saved by those around you or brought down by them.

Bannon believed the Trump presidency would fail in some more or less apocalyptic fashion if Kushner and his wife remained Trump's most influential advisers. Their lack of political or real-world experience had already hobbled the presidency, but since the Comey disaster it was getting worse: as Bannon saw it, they were now acting out of personal panic.

The Kushner side believed that Bannon or Bannonism had pushed the president into a harshness that undermined his natural salesman's abilities to charm and reach out. Bannon and his ilk had made him the monster he more and more seemed to be.

Meanwhile, virtually everybody believed that a large measure of the fault lay in Reince Priebus, who had failed to create a White House that could protect the president from himself—or from Bannon or from his own children. At the same time, believing that the fundamental problem lay in Priebus was easy scapegoating, not to mention little short of risible: with so little power, the chief of staff simply wasn't capable of directing either

Trump or those around him. Priebus himself could, not too helpfully, argue only that no one had any idea how much worse all this would have been without his long-suffering mediation among the president's relatives, his Svengali, and Trump's own terrible instincts. There might be two or three debacles a day, but without Priebus's stoic resolve, and the Trump blows that he absorbed, there might have been a dozen more.

* * *

On June 8, from a little after ten in the morning to nearly one in the afternoon, James Comey testified in public before the Senate Intelligence Committee. The former FBI director's testimony, quite a tour de force of directness, moral standing, personal honor, and damning details, left the country with a simple message: the president was likely a fool and certainly a liar. In the age of modern media politesse, few presidents had been so directly challenged and impugned before Congress.

Here it was, stark in Comey's telling: the president regarded the FBI director as working directly for him, of owing his job to him, and now he wanted something back. "My common sense," said Comey, "again, I could be wrong, but my common sense told me what's going on here is he's looking to get something in exchange for granting my request to stay in the job."

In Comey's telling, the president wanted the FBI to lay off Michael Flynn. And he wanted to stop the FBI from pursuing its Russia-related investigation. The point could hardly have been clearer: if the president was pressuring the director because he feared that an investigation of Michael Flynn would damage him, then this was an obstruction of justice.

The contrast between the two men, Comey and Trump, was in essence the contrast between good government and Trump himself. Comey came across as precise, compartmentalized, scrupulous in his presentation of the details of what transpired and the nature of his responsibility—he was as by-the-book as it gets. Trump, in the portrait offered by Comey, was shady, shoot-from-the-hip, heedless or even unaware of the rules, deceptive, and in it for himself.

After the hearing ended, the president told everybody he had not watched it, but everybody knew he had. To the extent that this was, as Trump saw it, a contest between the two men, it was as direct a juxtaposition as might be imagined. The entire point of the Comey testimony was to recast and contradict what the president had said in his angry and defensive tweets and statements, and to cast suspicion on his actions and motives—and to suggest that the president's intention was to suborn the director of the FBI.

Even among Trump loyalists who believed, as Trump did, that Comey was a phony and this was all a put-up job, the nearly universal feeling was that in this mortal game, Trump was quite defenseless.

* * *

Five days later, on June 13, it was Jeff Sessions's turn to testify before the Senate Intelligence Committee. His task was to try to explain the contacts he had had with the Russian ambassador, contacts that had later caused him to recuse himself—and made him the president's punching bag. Unlike Comey, who had been invited to the Senate to show off his virtue—and had seized the opportunity—Sessions had been invited to defend his equivocation, deception, or stupidity.

In an often testy exchange, the attorney general provided a squirrelly view of executive privilege. Though the president had not in fact evoked executive privilege, Sessions deemed it appropriate to try to protect it anyway.

Bannon, watching the testimony from the West Wing, quickly became frustrated. "Come on, Beauregard," he said.

Unshaven, Bannon sat at the head of the long wooden conference table in the chief of staff's office and focused intently on the flat-screen monitor across the room.

"They thought the cosmopolitans would like it if we fired Comey," he said, with "they" being Jared and Ivanka. "The cosmopolitans would be cheering for us for taking down the man who took Hillary down." Where the president saw Sessions as the cause of the Comey fiasco, Bannon saw Sessions as a victim of it.

A sylphlike Kushner, wearing a skinny gray suit and skinny black tie, slipped into the room. (Recently making the rounds was a joke about Kushner being the best-dressed man in Washington, which is quite the opposite of a compliment.) On occasion the power struggle between Bannon and Kushner seemed to take physical form. Bannon's demeanor rarely changed, but Kushner could be petulant, condescending, and dismissive—or, as he was now, hesitating, abashed, and respectful.

Bannon ignored Kushner until the younger man cleared his throat. "How's it going?"

Bannon indicated the television set: as in, *Watch for yourself.*

Finally Bannon spoke. "They don't realize this is about institutions, not people."

"They" would appear to be the Jarvanka side—or an even broader construct referring to all those who mindlessly stood with Trump.

"This town is about institutions," Bannon continued. "We fire the FBI director and we fire the whole FBI. Trump is a man against institutions, and the institutions know it. How do you think that goes down?"

This was shorthand for a favorite Bannon riff: In the course of the campaign, Donald Trump had threatened virtually every institution in American political life. He was a clown-prince version of Jimmy Stewart in *Mr. Smith Goes to Washington*. Trump believed, offering catnip to deep American ire and resentment, that one man could be bigger than the system. This analysis presupposed that the institutions of political life were as

responsive as those in the commercial life that Trump was from—and that they yearned to meet the market and find the Zeitgeist. But what if these institutions—the media, the judiciary, the intelligence community, the greater executive branch itself, and the "swamp" with its law firms, consultants, influence peddlers, and leakers—were in no way eager to adapt? If, by their nature, they were determined to endure, then this accidental president was up against it.

Kushner seemed unpersuaded. "I wouldn't put it like that," he said.

"I think that's the lesson of the first hundred days that some people around here have learned," said Bannon, ignoring Kushner. "It's not going to get better. This is what it's like."

"I don't know," said Kushner.

"Know it," said Bannon.

"I think Sessions is doing okay," said Kushner. "Don't you?"

19

MIKA WHO?

The media had unlocked the value of Donald Trump, but few in the media had unlocked it more directly and personally than Joe Scarborough and Mika Brzezinski. Their MSNBC breakfast show was an ongoing soap-opera-ish or possibly Oprahesque drama about their relationship with Trump—how he had disappointed them, how far they had come from their original regard for him, and how much and how pathetically he regularly embarrassed himself. The bond he once had with them, forged through mutual celebrity and a shared proprietary sense of politics (Scarborough, the former congressman, seemed to feel that he ought reasonably to be president as much as Donald Trump felt he should be), had distinguished the show during the campaign; now its public fraying became part of the daily news cycle. Scarborough and Brzezinski lectured him, channeled the concerns of his friends and family, upbraided him, and openly worried about him—that he was getting the wrong advice (Bannon) and, too, that his mental powers were slipping. They also staked a claim at representing the reasonable center-right alternative to the president, and indeed were quite a good barometer of both the center-right's efforts to deal with him and its day-to-day difficulties of living with him.

Trump, believing he had been used and abused by Scarborough and Brzezinski, claimed he'd stopped watching the show. But Hope Hicks, every morning, quaking, had to recount it for him.

Morning Joe was a ground-zero study in the way the media had over-invested in Trump. He was the whale against which media emotions, self-regard, ego, *joie de guerre*, career advancement, and desire to be at the center of the story, too, all churned in nearly ecstatic obsession. In reverse regard, the media was the same whale, serving the same function, for Trump.

To this Trump added another tic, a lifelong sense that people were constantly taking unfair advantage of him. This perhaps came from his father's cheapness and lack of generosity, or from his own overawareness of being a rich kid (and, no doubt, his insecurities about this), or from a negotiator's profound understanding that it is never win-win, that where there is profit there is loss. Trump simply could not abide the knowledge

that somebody was getting a leg up at his expense. His was a zero-sum ecosystem. In the world of Trump, anything that he deemed of value either accrued to him or had been robbed from him.

Scarborough and Brzezinski had taken their relationship with Trump and amply monetized it, while putting no percentage in his pocket—and in this instance, he judged his commission should be slavishly favorable treatment. To say this drove him mad would be an understatement. He dwelled and fixated on the perceived injustice. *Don't mention Joe or Mika to him* was a standing proscription.

His wounded feelings and incomprehension at the failure of people whose embrace he sought to, in return, embrace him was "deep, crazy deep," said his former aide Sam Nunberg, who had run afoul of his need for 100 percent approbation and his bitter suspicion of being profited from.

* * *

Out of this accumulated rage came his June 29 tweet about Mika Brzezinski.

It was classic Trump: there was no mediation between off-the-record language and the public statement. Referring to "low I.Q. Crazy Mika" in one tweet, he wrote in another that she was "bleeding badly from a facelift" when she and Scarborough visited Trump at Mar-a-Lago on the previous New Year's Eve. Many of his tweets were not, as they might seem, spontaneous utterances, but constant ones. Trump's rifts often began as insult comedy and solidified as bitter accusations and then, in an uncontainable moment, became an official proclamation.

The next step, in his tweet paradigm, was universal liberal opprobrium. Almost a week of social media fury, cable breast-beating, and front-page condemnation followed his tweet about Brzezinski. That was accompanied by the other part of the Trump tweet dynamic: by unifying liberal opinion against him, he unified its opposite for him.

In truth, he was often neither fully aware of the nature of what he had said nor fully cognizant of why there should be such a passionate reaction to it. As often as not, he surprised himself. "What did I say?" he would ask after getting severe blowback.

He wasn't serving up these insults for effect—well, not entirely. And his behavior wasn't carefully calculated; it was tit for tat, and he likely would have said what he'd said even if no one was left standing with him. (This very lack of calculation, this inability to be political, was part of his political charm.) It was just his good luck that the Trumpian 35 percent—that standing percentage of people who, according to most polls, seemed to support him no matter what (who would, in his estimation, let him get away with shooting someone on Fifth Avenue)—was largely unfazed and maybe even buoyed by every new expression of Trumpness.

Now, having expressed himself and gotten in the last word, Trump was cheery again.

"Mika and Joe totally love this. It's big ratings for them," said the president, with certain satisfaction and obvious truth.

* * *

Ten days later, a large table of Bannonites was having dinner at the Bombay Club, a high-end Indian restaurant two blocks from the White House. One of the group—Arthur Schwartz, a PR consultant—asked a question about the Mika and Joe affair.

Perhaps it was the noise, but it was also a fitting measure of the speed of events in the Trump era: Bannon lieutenant Alexandra Preate replied, with genuine fogginess, "Who?"

The operetta of the Mika tweets—the uncouthness and verbal abuse demonstrated by the president, his serious lack of control and judgment, and the worldwide censure heaped upon him for it—had already far receded, wholly overshadowed by more Trump eruptions and controversy.

But before moving on to the next episode of ohmygodness, it is worth considering the possibility that this constant, daily, often more than once-a-day, pileup of events—each one canceling out the one before—is the true aberration and novelty at the heart of the Trump presidency.

Perhaps never before in history—not through world wars, the overthrow of empires, periods of extraordinary social transformation, or episodes of government-shaking scandal—have real-life events unfolded with such emotional and plot-thickening impact. In the fashion of binge-watching a television show, one's real life became quite secondary to the public drama. It was not unreasonable to say *Whoa, wait just a minute: public life doesn't happen like this*. Public life in fact lacks coherence and drama. (History, by contrast, attains coherence and drama only in hindsight.)

The process of accomplishing the smallest set of tasks within the sprawling and resistant executive branch is a turtle process. The burden of the White House is the boredom of bureaucracy. All White Houses struggle to rise above that, and they succeed only on occasion. In the age of hypermedia, this has not gotten easier for the White House, it's gotten harder.

It's a distracted nation, fragmented and preoccupied. It was, arguably, the peculiar tragedy of Barack Obama that even as a transformational figure—and inspirational communicator—he couldn't really command much interest. As well, it might be a central tragedy of the news media that its old-fashioned and even benighted civic-minded belief that politics is the highest form of news has helped transform it from a mass business to a narrow-cast one. Alas, politics itself has more and more become a discrete business. Its appeal is B-to-B—business-to-business. The real swamp is the swamp of insular, inbred, incestuous interests. This isn't corruption so much as overspecialization. It's a wonk's life. Politics has gone one way, the culture another. The left-right junkies might pretend otherwise, but the great middle doesn't put political concerns at the top of their minds.

And yet, contravening all cultural and media logic, Donald Trump produced on a daily basis an astonishing, can't-stop-following-it narrative. And this was not even because he was changing or upsetting the fundamentals of American life. In six months as president, failing to master almost any aspect of the bureaucratic process, he had, beyond placing his nominee on the Supreme Court, accomplished, practically speaking, nothing. And yet, *OMG!!!* There almost was no other story in America—and in much of the world. That was the radical and transformational nature of the Trump presidency: it held everybody's attention.

Inside the White House, the daily brouhaha and world's fascination was no cause for joy. It was, in the White House staff's bitter view, the media that turned every day into a climactic, dastardly moment. And, in a sense, this was correct: every development cannot be climactic. The fact that yesterday's climax would soon, compared to the next climax, be piddling, rather bore out the disproportion. The media was failing to judge the relative importance of Trump events: most Trump events came to naught (arguably all of them did), and yet all were greeted with equal shock and horror. The White House staff believed that the media's Trump coverage lacked "context"—by this, they meant that people ought to realize that Trump was mostly just huffing and puffing.

At the same time, few in the White House did not assign blame to Trump for this as well. He seemed to lack the most basic understanding that a president's words and actions would, necessarily, be magnified to the nth power. In some convenient sense, he failed to understand this because he wanted the attention, no matter how often it disappointed him. But he also wanted it because again and again the response surprised him—and, as though every time was the first time, he could not modify his behavior.

Sean Spicer caught the brunt of the daily drama, turning this otherwise reasonable, mild-mannered, process-oriented professional into a joke figure standing at the White House door. In his daily out-of-body experience, as a witness to his own humiliation and loss for words, Spicer understood after a while—although he began to understand this beginning his first day on the job when dealing with the dispute about the inaugural audience numbers—that he had "gone down a rabbit hole." In this disorienting place, all public artifice, pretense, proportion, savvy, and self-awareness had been cast off, or—possibly another result of Trump never really intending to be president—never really figured into the state of being president.

On the other hand, constant hysteria did have one unintended political virtue. If every new event canceled out every other event, like some wacky news-cycle pyramid scheme, then you always survived another day.

* * *

Donald Trump's sons, Don Jr., thirty-nine, and Eric, thirty-three, existed in an enforced infantile relationship to their father, a role that embarrassed them, but one that they also

professionally embraced. The role was to be Donald Trump's heirs and attendees. Their father took some regular pleasure in pointing out that they were in the back of the room when God handed out brains—but, then again, Trump tended to scorn anyone who might be smarter than he was. Their sister Ivanka, certainly no native genius, was the designated family smart person, her husband Jared the family's smooth operator. That left Don and Eric to errands and admin. In fact, the brothers had grown into reasonably competent family-owned-company executives (this is not saying all that much) because their father had little or no patience for actually running his company. Of course, quite a good amount of their professional time was spent on the whims, projects, promotions, and general way of life of DJT.

One benefit of their father's run for president was that it kept him away from the office. Still, the campaign's administration was largely their responsibility, so when the campaign went from caprice to a serious development in the Trump business and family, it caused a disruption in the family dynamic. Other people were suddenly eager to be Donald Trump's key lieutenants. There were the outsiders, like Corey Lewandowski, the campaign manager, but there was also the insider, brother-in-law Jared. Trump, not unusually for a family-run company, made everybody compete for his favor. The company was about him; it existed because of his name, personality, and charisma, so the highest standing in the company was reserved for those who could best serve him. There wasn't all that much competition for this role before he ran for president, but in early 2016, with the Republican Party collapsing and Trump rising, his sons faced a new professional and family situation.

Their brother-ln-law had been slowly drawn into the campaign, partly at his wife's urging because her father's lack of constraint might actually affect the Trump business if they didn't keep an eye on him. And then he, with his brothers-in-law, was pulled in by the excitement of the campaign itself. By late spring 2016, when the nomination was all but clinched, the Trump campaign was a set of competing power centers with the knives out.

Lewandowski regarded both brothers and their brother-in-law with rolling-on-the-floor contempt: not only were Don Jr. and Eric stupid, and Jared somehow both supercilious and obsequious (the butler), but nobody knew a whit about politics—indeed, there wasn't an hour of political experience among them.

As time went on, Lewandowski became particularly close to the candidate. To the family, especially to Kushner, Lewandowski was an enabler. Trump's worst instincts flowed through Lewandowski. In early June, a little more than a month before the Republican National Convention, Jared and Ivanka decided that what was needed—for the sake of the campaign, for the sake of the Trump business—was an intervention.

Making common cause with Don Jr. and Eric, Jared and Ivanka pushed for a united front to convince Trump to oust Lewandowski. Don Jr., feeling squeezed not only by Lewandowski but by Jared, too, seized the opportunity. He would push out Lewandowski

and become his replacement—and indeed, eleven days later Lewandowski would be gone.

All this was part of the background to one of the most preposterous meetings in modern politics. On June 9, 2016, Don Jr., Jared, and Paul Manafort met with a movieworthy cast of dubious characters in Trump Tower after having been promised damaging information about Hillary Clinton. Don Jr., encouraged by Jared and Ivanka, was trying to impress his father that he had the stuff to rise in the campaign.

When this meeting became public thirteen months later, it would, for the Trump White House, encapsulate both the case against collusion with the Russians and the case for it. It was a case, or the lack of one, not of masterminds and subterfuge, but of senseless and benighted people so guileless and unconcerned that they enthusiastically colluded in plain sight.

* * *

Walking into Trump Tower that June day were a well-connected lawyer from Moscow, who was a likely Russian agent; associates of the Azerbaijani Russian oligarch Aras Agalarov; a U.S. music promoter who managed Agalarov's son, a Russian pop star; and a Russian government lobbyist in Washington. Their purpose in visiting the campaign headquarters of a presumptive major party nominee for president of the United States was to meet with three of the most highly placed people on the campaign. This meeting was preceded by an email chain addressed to multiple recipients inside the Trump campaign of almost joyful intent: the Russians were offering a dump of negative or even incriminating information about their opponent.

Among the why-and-how theories of this imbecilic meeting:

- The Russians, in organized or freelance fashion, were trying to entrap the Trump campaign into a compromising relationship.
- The meeting was part of an already active cooperation on the part of the Trump campaign with the Russians to obtain and distribute damaging information about Hillary Clinton—and, indeed, within days of the Don Jr. meeting, WikiLeaks announced that it had obtained Clinton emails. Less than a month later, it started to release them.
- The wide-eyed Trump campaign, largely still playacting at running for president—and with no thought whatsoever of actually winning the election—was open to any and all entreaties and offers, because it had nothing to lose. Dopey Don Jr. (Fredo, as Steve Bannon would dub him, in one of his frequent *Godfather* borrowings) was simply trying to prove he was a player and a go-to guy.
- The meeting included the campaign chairman, Paul Manafort, and the campaign's most influential voice, Jared Kushner, because: (a) a high-level conspiracy was being coordinated; (b) Manafort and Kushner, not taking the campaign very

seriously, and without a thought of any consequence here, were merely entertained by the possibility of dirty tricks; (c) the three men were united in their plan to get rid of Lewandowski—with Don Jr. as the hatchet man—and, as part of this unity, Manafort and Kushner need to show up at Don Jr.'s silly meeting.

Whatever the reason for the meeting, no matter which of the above scenarios most accurately describes how this comical and alarming group came together, a year later, practically nobody doubted that Don Jr. would have wanted his father to know that he seized the initiative.

"The chance that Don Jr. did not walk these jumos up to his father's office on the twenty-sixth floor is zero," said an astonished and derisive Bannon, not long after the meeting was revealed.

"The three senior guys in the campaign," an incredulous Bannon went on, "thought it was a good idea to meet with a foreign government inside Trump Tower in the conference room on the twenty-fifth floor—with no lawyers. *They didn't have any lawyers*. Even if you thought that this was not treasonous, or unpatriotic, or bad shit, and I happen to think it's all of that, you should have called the FBI immediately. Even if you didn't think to do that, and you're totally amoral, and you wanted that information, you do it in a Holiday Inn in Manchester, New Hampshire, with your lawyers who meet with these people and go through everything and then they verbally come and tell another lawyer in a cut-out, and if you've got something, then you figure out how to dump it down to Breitbart or something like that, or maybe some other more legitimate publication. You never see it, you never know it, because you don't need to… . But that's the brain trust that they had."

All of the participants would ultimately plead that the meeting was utterly inconsequential, whatever the hope for it might have been, and admit that it was hapless. But even if that was true, a year later the revelation of the meeting had three profound and probably transformational effects:

First, the constant, ever repeated denials about there having been no discussion between campaign officials and the Russians connected to the Kremlin about the campaign, and, indeed, no meaningful contact between campaign officials and the Russian government, were exploded.

Second, the certainty among the White House staff that Trump himself would have not only been apprised of the details of this meeting, but have met the principals, meant that the president was caught out as a liar by those whose trust he most needed. It was another inflection point between hunkered-in-the-bunker and signed-on-for-the-wild-ride, and get-me-out-of-here.

Third, it was now starkly clear that everyone's interests diverged. The fortunes of Don Jr., Paul Manafort, and Jared Kushner hung individually in the balance. Indeed, the best guess by many in the West Wing was that the details of the meeting had been leaked by

the Kushner side, thus sacrificing Don Jr. in an attempt to deflect responsibility away from themselves.

* * *

Even before word of the June 2016 meeting leaked out, Kushner's legal team—largely assembled in a rush since the appointment of Mueller, the special counsel—had been piecing together a forensic picture of both the campaign's Russian contacts and Kushner Companies' finances and money trail. In January, ignoring almost everybody's caution against it, Jared Kushner had entered the White House as a senior figure in the administration; now, six months later, he faced acute legal jeopardy. He had tried to keep a low profile, seeing himself as a behind-the-scenes counselor, but now his public position was not only endangering himself but the future of his family's business. As long as he remained exposed, his family was effectively blocked from most financial sources. Without access to this market, their holdings risked becoming distress debt situations.

Jared and Ivanka's self-created fantasylike life—two ambitious, well-mannered, well-liked young people living at the top of New York's social and financial world after having, in their version of humble fashion, accepted global power—had now, even with neither husband nor wife in office long enough to have taken any real action at all, come to the precipice of disgrace.

Jail was possible. So was bankruptcy. Trump may have been talking defiantly about offering pardons, or bragging about his power to give them, but that did not solve Kushner's business problems, nor did it provide a way to mollify Charlie Kushner, Jared's choleric and often irrational father. What's more, successfully navigating through the eye of the legal needle would require a careful touch and nuanced strategic approach on the part of the president—quite an unlikely development.

Meanwhile, the couple blamed everyone else in the White House. They blamed Priebus for the disarray that had produced a warlike atmosphere that propelled constant and damaging leaks, they blamed Bannon for leaking, and they blamed Spicer for poorly defending their virtue and interests.

They *needed* to defend themselves. One strategy was to get out of town (Bannon had a list of all the tense moments when the couple had taken a convenient holiday), and it happened that Trump would be attending the G20 summit Hamburg, Germany, on July 7 and 8. Jared and Ivanka accompanied the president on the trip, and while at the summit they learned that word of Don Jr.'s meeting with the Russians—and the couple kept pointedly presenting it as Don Jr.'s meeting—had leaked. Worse, they learned that the story was about to break in the *New York Times*.

Originally, Trump's staff was expecting details of the Don Jr. meeting to break on the website *Circa*. The lawyers, and spokesperson Mark Corallo, had been working to manage this news. But while in Hamburg, the president's staff learned that the *Times* was

developing a story that had far more details about the meeting—quite possibly supplied by the Kushner side—which it would publish on Saturday, July 8. Advance knowledge of this article was kept from the president's legal team for the ostensible reason that it didn't involve the president.

In Hamburg, Ivanka, knowing the news would shortly get out, was presenting her signature effort: a World Bank fund to aid women entrepreneurs in developing countries. This was another instance of what White House staffers saw as the couple's extraordinarily off-message direction. Nowhere in the Trump campaign, nowhere on Bannon's white boards, nowhere in the heart of this president was there an interest in women entrepreneurs in developing countries. The daughter's agenda was singularly at odds with the father's—or at least the agenda that had elected him. Ivanka, in the view of almost every White House staffer, profoundly misunderstood the nature of her job and had converted traditional First Lady noblesse oblige efforts into White House staff work.

Shortly before boarding Air Force One for the return trip home, Ivanka—with what by now was starting to seem like an almost anarchic tone deafness—sat in for her father between Chinese president Xi Jinping and British prime minister Theresa May at the main G20 conference table. But this was mere distraction: as the president and his team huddled on the plane, the central subject was not the conference, it was how to respond to the *Times* story about Don Jr.'s and Jared's Trump Tower meeting, now only hours away from breaking.

En route to Washington, Sean Spicer and everybody else from the communications office was relegated to the back of the plane and excluded from the panicky discussions. Hope Hicks became the senior communications strategist, with the president, as always, her singular client. In the days following, that highest political state of being "in the room" was turned on its head. *Not* being in the room—in this case, the forward cabin on Air Force One—became an exalted status and get-out-of-jail-free card. "It used to hurt my feelings when I saw them running around doing things that were my job," said Spicer. "Now I'm glad to be out of the loop."

Included in the discussion on the plane were the president, Hicks, Jared and Ivanka, and their spokesperson, Josh Raffel. Ivanka, according to the later recollection of her team, would shortly leave the meeting, take a pill, and go to sleep. Jared, in the telling of his team, might have been there, but he was "not taking a pencil to anything." Nearby, in a small conference room watching the movie *Fargo*, were Dina Powell, Gary Cohn, Stephen Miller, and H. R. McMaster, all of whom would later insist that they were, however physically close to the unfolding crisis, removed from it. And, indeed, anyone "in the room" was caught in a moment that would shortly receive the special counsel's close scrutiny, with the relevant question being whether one or more federal employees had induced other federal employees to lie.

An aggrieved, unyielding, and threatening president dominated the discussion, pushing

into line his daughter and her husband, Hicks, and Raffel. Kasowitz—the lawyer whose specific job was to keep Trump at arm's length from Russian-related matters—was kept on hold on the phone for an hour and then not put through. The president insisted that the meeting in Trump Tower was purely and simply about Russian adoption policy. That's what was discussed, period. Period. Even though it was likely, if not certain, that the *Times* had the incriminating email chain—in fact, it was quite possible that Jared and Ivanka and the lawyers *knew* the *Times* had this email chain—the president ordered that no one should let on to the more problematic discussion about Hillary Clinton.

It was a real-time example of denial and cover-up. The president believed, belligerently, what he believed. Reality was what he was convinced it was—or should be. Hence the official story: there was a brief courtesy meeting in Trump Tower about adoption policy, to no result, attended by senior aides and unaffiliated Russian nationals. The crafting of this manufactured tale was a rogue operation by rookies—always the two most combustible elements of a cover-up.

In Washington, Kasowitz and the legal team's spokesperson, Mark Corallo, weren't informed of either the *Times* article or the plan for how to respond to it until Don Jr.'s initial statement went out just before the story broke that Saturday.

Over the course of next seventy-two hours or so, the senior staff found itself wholly separate from—and, once again, looking on in astonishment at—the actions of the president's innermost circle of aides. In this, the relationship of the president and Hope Hicks, long tolerated as a quaint bond between the older man and a trustworthy young woman, began to be seen as anomalous and alarming. Completely devoted to accommodating him, she, his media facilitator, was the ultimate facilitator of unmediated behavior. His impulses and thoughts—unedited, unreviewed, unchallenged—not only passed through him, but, via Hicks, traveled out into the world without any other White House arbitration.

"The problem isn't Twitter, it's Hope," observed one communication staffer.

On July 9, a day after publishing its first story, the *Times* noted that the Trump Tower meeting was specifically called to discuss the Russian offer of damaging material about Clinton. The next day, as the *Times* prepared to publish the full email chain, Don Jr. hurriedly dumped it himself. There followed an almost daily count of new figures—all, in their own way, peculiar and unsettling—who emerged as participants in the meeting.

But the revelation of the Trump Tower meeting had another, perhaps even larger dimension. It marked the collapse of the president's legal strategy: the demise of Steve Bannon's Clinton-emulating firewall around the president.

The lawyers, in disgust and alarm, saw, in effect, each principal becoming a witness to another principal's potential misdeeds—all conspiring with one another to get their stories straight. The client and his family were panicking and running their own defense. Short-

term headlines were overwhelming any sort of long-term strategy. "The worst thing you can do is lie to a prosecutor," said one member of the legal team. The persistent Trump idea that it is not a crime to lie to the media was regarded by the legal team as at best reckless and, in itself, potentially actionable: an explicit attempt to throw sand into the investigation's gears.

Mark Corallo was instructed not to speak to the press, indeed not to even answer his phone. Later that week, Corallo, seeing no good outcome—and privately confiding that he believed the meeting on Air Force One represented a likely obstruction of justice—quit. (The Jarvanka side would put it out that Corallo was fired.)

"These guys are not going to be second-guessed by the kids," said a frustrated Bannon about the firewall team.

Likewise, the Trump family, no matter its legal exposure, was not going to be run by its lawyers. Jared and Ivanka helped to coordinate a set of lurid leaks—alleging drinking, bad behavior, personal life in disarray—about Marc Kasowitz, who had advised the president to send the couple home. Shortly after the presidential party returned to Washington, Kasowitz was out.

* * *

Blame continued to flow. The odor of a bitter new reality, if not doom, that attached to the Comey-Mueller debacle was compounded by everyone's efforts not to be tagged by it.

The sides in the White House—Jared, Ivanka, Hope Hicks, and an increasingly ambivalent Dina Powell and Gary Cohn on one side, and almost everyone else, including Priebus, Spicer, Conway, and most clearly Bannon, on the other—were most distinguished by their culpability in or distance from the Comey-Mueller calamity. It was, as the non-Jarvanka side would unceasingly point out, a calamity *of their own making*. Therefore it became an effort of the Jarvankas not only to achieve distance for themselves from the causes of the debacle—such involvement as they had they now cast as strictly passive involvement or just following orders—but to suggest that their adversaries were at least equally at fault.

Shortly after the Don Jr. story broke, the president not unsuccessfully changed the subject by focusing the blame for the Comey-Mueller mess on Sessions, even more forcefully belittling and threatening him and suggesting that his days were numbered.

Bannon, who continued to defend Sessions, and who believed that he had militantly—indeed with scathing attacks on the Jarvankas for their stupidity—walled himself off from the Comey smashup, was now suddenly getting calls from reporters with leaks that painted him as an engaged participant in the Comey decision.

In a furious phone call to Hicks, Bannon blamed the leaks on her. In time, he had come to see the twenty-eight-year-old as nothing more than a hapless presidential enabler and

poor-fish Jarvanka flunky—and he believed she had now deeply implicated herself in the entire disaster by participating in the Air Force One meeting. The next day, with more inquiries coming from reporters, he confronted Hicks inside the cabinet room, accusing her of doing Jared and Ivanka's dirty work. The face-off quickly escalated into an existential confrontation between the two sides of the White House—two sides on a total war footing.

"*You don't know what you're doing*," shouted a livid Bannon at Hicks, demanding to know who she worked for, the White House or Jared and Ivanka. "*You don't know how much trouble you are in*," he screamed, telling her that if she didn't get a lawyer he would call her father and tell him he had better get her one. "*You are dumb as a stone!*" Moving from the cabinet room across the open area into the president's earshot, "a loud, scary, clearly threatening" Bannon, in the Jarvanka telling, yelled, "*I am going to fuck you and your little group!*" with a baffled president plaintively wanting to know, "What's going on?"

In the Jarvanka-side account, Hicks then ran from Bannon, hysterically sobbing and "visibly terrified." Others in the West Wing marked this as the high point of the boiling enmity between the two sides. For the Jarvankas, Bannon's rant was also a display that they believed they could use against him. The Jarvanka people pushed Priebus to refer the matter to the White House counsel, billing this as the most verbally abusive moment in the history of the West Wing, or at least certainly up among the most abusive episodes ever.

For Bannon, this was just more Jarvanka desperation—they were the ones, not him, saddled with Comey-Mueller. They were the ones panicking and out of control.

For the rest of his time in the White House, Bannon would not speak to Hicks again.

20

MCMASTER AND SCARAMUCCI

Trump was impetuous and yet did not like to make decisions, at least not ones that seemed to corner him into having to analyze a problem. And no decision hounded him so much—really from the first moment of his presidency—as what to do about Afghanistan. It was a conundrum that became a battle. It involved not only his own resistance to analytic reasoning, but the left brain/right brain divide of his White House, the split between those who argued for disruption and those who wanted to uphold the status quo.

In this, Bannon became the disruptive and unlikely White House voice for peace—or anyway a kind of peace. In Bannon's view, only he and the not-too-resolute backbone of Donald Trump stood between consigning fifty thousand more American soldiers to hopelessness in Afghanistan.

Representing the status quo—and, ideally, a surge on top of the status quo—was H. R. McMaster, who, next to Jarvanka, had become Bannon's prime target for abuse. On this front, Bannon forged an easy bond with the president, who didn't much hide his contempt for the Power-Point general. Bannon and the president enjoyed trash-talking McMaster together.

McMaster was a protégé of David Petraeus, the former CENTCOM and Afghanistan commander who became Obama's CIA director before resigning in a scandal involving a love affair and the mishandling of classified information. Petraeus and now McMaster represented a kind of business-as-usual approach in Afghanistan and the Middle East. A stubborn McMaster kept proposing to the president new versions of the surge, but at each pitch Trump would wave him out of the Oval Office and roll his eyes in despair and disbelief.

The president's distaste and rancor for McMaster grew on pace with the approaching need to finally make a decision on Afghanistan, a decision he continued to put off. His position on Afghanistan—a military quagmire he knew little about, other than that it was a quagmire—had always been a derisive and caustic kiss-off of the sixteen-year war. Having

inherited it did not make his feelings warmer or inspire him to want to dwell on it further. He knew the war was cursed and, knowing that, felt no need to know more. He put the responsibility for it on two of his favorite people to blame: Bush and Obama.

For Bannon, Afghanistan represented one more failure of establishment thinking. More precisely, it represented the establishment's inability to confront failure.

Curiously, McMaster had written a book on exactly this subject, a scathing critique of the unchallenged assumptions with which military leaders pursued the Vietnam War. The book was embraced by liberals and the establishment, with whom, in Bannon's view, McMaster had become hopelessly aligned. And now—ever afraid of the unknown, intent on keeping options open, dedicated to stability, and eager to protect his establishment cred—McMaster was recommending a huge troop surge in Afghanistan.

* * *

By early July, the pressure to make a decision was approaching the boiling point. Trump had already authorized the Pentagon to deploy the troop resources it believed were needed, but Defense Secretary Mattis refused to act without a specific authorization from the president. Trump would finally have to make the call—unless he could find a way to put it off again.

Bannon's thought was that the decision could be made for the president—a way the president liked to have decisions made—if Bannon could get rid of McMaster. That would both head off the strongest voice for more troops and also avenge Bannon's ouster by McMaster's hand from the NSC.

With the president promising that he would make up his mind by August, and McMaster, Mattis, and Tillerson pressing for a decision as soon as possible, Bannon-inspired media began a campaign to brand McMaster as a globalist, interventionist, and all around not-our-kind-of-Trumper—and, to boot, soft on Israel.

It was a scurrilous, albeit partly true, attack. McMaster was in fact talking to Petraeus often. The kicker was the suggestion that McMaster was giving inside dope to Petraeus, a pariah because of his guilty plea regarding his mishandling of classified information. It was also the case that McMaster was disliked by the president and on the point of being dismissed.

It was Bannon, riding high again, enjoying himself in a moment of supreme overconfidence.

Indeed, in part to prove there were other options beyond more troops or humiliating defeat—and logically there probably weren't more options—Bannon became a sponsor of Blackwater-founder Erik Prince's obviously self-serving idea to replace the U.S. military force with private contractors and CIA and Special Operations personnel. The notion was briefly embraced by the president, then ridiculed by the military.

By now Bannon believed McMaster would be out by August. He was sure he had the president's word on this. Done deal. "McMaster wants to send more troops to Afghanistan, so we're going to send *him*," said a triumphal Bannon. In Bannon's scenario, Trump would give McMaster a fourth star and "promote" him to top military commander in Afghanistan.

As with the chemical attack in Syria, it was Dina Powell—even as she made increasingly determined efforts to get herself out of the White House, either on a Sheryl Sandberg trajectory or, stopping first at a way station, as ambassador to the United Nations—who struggled to help support the least disruptive, most keep-all-options-open approach. In this, both because the approach seemed like the safest course and because it was the opposite of Bannon's course, she readily recruited Jared and Ivanka.

The solution Powell endorsed, which was designed to put the problem and the reckoning off for another year or two or three, was likely to make the United States' position in Afghanistan even more hopeless. Instead of sending fifty or sixty thousand troops—which, at insupportable cost and the risk of national fury, might in fact win the war—the Pentagon would send some much lower number, one which would arouse little notice and merely prevent us from losing the war. In the Powell and Jarvanka view, it was the moderate, best-case, easiest-to-sell course, and it struck just the right balance between the military's unacceptable scenarios: retreat and dishonor or many more troops.

Before long, a plan to send four, five, six, or (tops) seven thousand troops became the middle-course strategy supported by the national security establishment and most everyone else save for Bannon and the president. Powell even helped design a PowerPoint deck that McMaster began using with the president: pictures of Kabul in the 1970s when it still looked something like a modern city. It could be like this again, the president was told, if we are resolute!

But even with almost everyone arrayed against him, Bannon was confident he was winning. He had a united right-wing press with him, and, he believed, a fed-up, working-class Trump base—its children the likely Afghanistan fodder. Most of all, he had the president. Pissed off that he was being handed the same problem and the same options that were handed Obama, Trump continued to heap spleen and mockery on McMaster.

Kushner and Powell organized a leak campaign in McMaster's defense. Their narrative was not a pro-troops defense; instead, it was about Bannon's leaks and his use of right-wing media to besmirch McMaster, "one of the most decorated and respected generals of his generation." The issue was not Afghanistan, the issue was Bannon. In this narrative, it was McMaster, a figure of stability, against Bannon, a figure of disruption. It was the *New York Times* and the *Washington Post*, who came to the defense of McMaster, against Breitbart and its cronies and satellites.

It was the establishment and never-Trumpers against the America-first Trumpkins. In

many respects, Bannon was outgunned and outnumbered, yet he still thought he had it nailed. And when he won, not only would another grievously stupid chapter in the war in Afghanistan be avoided, but Jarvanka, and Powell, their factotum, would be further consigned to irrelevance and powerlessness.

* * *

As the debate moved toward resolution, the NSC, in its role as a presenter of options rather than an advocate for them (although of course it was advocating, too), presented three: withdrawal; Erik Prince's army of contractors; and a conventional, albeit limited, surge.

Withdrawal, whatever its merits—and however much a takeover of Afghanistan by the Taliban could be delayed or mitigated—still left Donald Trump with having lost a war, an insupportable position for the president.

The second option, a force of contractors and the CIA, was largely deep-sixed by the CIA. The agency had spent sixteen years successfully avoiding Afghanistan, and everyone knew that careers were not advanced in Afghanistan, they died in Afghanistan. So please keep us out of it.

That left McMaster's position, a modest surge, argued by Secretary of State Tillerson: more troops in Afghanistan, which, somehow, slightly, would be there on a different basis, somewhat, with a different mission, subtly, than that of troops sent there before.

The military fully expected the president to sign off on the third option. But on July 19, at a meeting of the national security team in the situation room at the White House, Trump lost it.

For two hours, he angrily railed against the mess he had been handed. He threatened to fire almost every general in the chain of command. He couldn't fathom, he said, how it had taken so many months of study to come up with this nothing-much-different plan. He disparaged the advice that came from generals and praised the advice from enlisted men. If we have to be in Afghanistan, he demanded, why can't we make money off it? China, he complained, has mining rights, but not the United States. (He was referring to a ten-year-old U.S.-backed deal.) This is just like the 21 Club, he said, suddenly confusing everyone with this reference to a New York restaurant, one of his favorites. In the 1980s, 21 closed for a year and hired a large number of consultants to analyze how to make the restaurant more profitable. In the end, their advice was: Get a bigger kitchen. *Exactly what any waiter would have said*, Trump shouted.

To Bannon, the meeting was a high point of the Trump presidency to date. The generals were punting and waffling and desperately trying to save face—they were, according to Bannon, talking pure "gobbledygook" in the situation room. "Trump was standing up to them," said a happy Bannon. "Hammering them. He left a bowel movement in the middle of their Afghan plans. Again and again, he came back to the same point:

we're stuck and losing and nobody here has a plan to do much better than that."

Though there was still no hint of a viable alternative strategy in Afghanistan, Bannon, his Jarvanka frustration cresting, was sure he was the winner here. McMaster was toast.

* * *

Later on the day of the Afghanistan briefing, Bannon heard about yet another harebrained Jarvanka scheme. They planned to hire Anthony Scaramucci, aka "the Mooch."

After Trump had clinched the nomination more than a year before, Scaramucci—a hedge funder and go-to Trump surrogate for cable business news (mostly Fox Business Channel)—had become a reliable presence at Trump Tower. But then, in the last month of the campaign, with polls predicting a humiliating Trump defeat, he was suddenly nowhere to be seen. The question "Where's the Mooch?" seemed to be just one more indicator of the campaign's certain and pitiless end.

But on the day after the election, Steve Bannon—soon to be named chief strategist for the forty-fifth president-elect—was greeted as he arrived midmorning in Trump Tower by Anthony Scaramucci, holding a Starbucks coffee for him.

Over the next three months, Scaramucci, although no longer needed as a surrogate and without anything else particularly to do, became a constant hovering—or even lurking—presence at Trump Tower. Ever unflagging, he interrupted a meeting in Kellyanne Conway's office in early January just to make sure she knew that her husband's firm, Wachtell, Lipton, was representing him. Having made that point, name-dropping and vastly praising the firm's key partners, he then helped himself to a chair in Conway's meeting and, for both Conway's and her visitor's benefit, offered a stirring testimonial to the uniqueness and sagacity of Donald Trump and the working-class people—speaking of which, he took the opportunity to provide a résumé of his own Long Island working-class bona fides—who had elected him.

Scaramucci was hardly the only hanger-on and job seeker in the building, but his method was among the most dogged. He spent his days looking for meetings to be invited into, or visitors to engage with—this was easy because every other job seeker was looking for someone with whom to chat it up, so he soon became something like the unofficial official greeter. Whenever possible, he would grab a few minutes with any senior staffer who would not rebuff him. As he waited to be offered a high White House position, he was, he seemed personally certain, reaffirming his loyalty and team spirit and unique energy. He was so confident about his future that he made a deal to sell his hedge fund, Skybridge Capital, to HNA Group, the Chinese megaconglomerate.

Political campaigns, substantially based on volunteer help, attract a range of silly, needy, and opportunistic figures. The Trump campaign perhaps scraped lower in the barrel than most. The Mooch, for one, might not have been the most peculiar volunteer in the Trump run for president, but many figured him to be among the most shameless.

It was not just that before he became a dedicated supporter of Donald Trump, he was a dedicated naysayer, or that he had once been an Obama and Hillary Clinton supporter. The problem was that, really, nobody liked him. Even for someone in politics, he was immodest and incorrigible, and followed by a trail of self-serving and often contradictory statements made to this person about that person, which invariably made it back to whatever person was being most negatively talked about.

He was not merely a shameless self-promoter; he was a *proud* self-promoter. He was, by his own account, a fantastic networker. (This boast was surely true, since Skybridge Capital was a fund of funds, which is less a matter of investment acumen than of knowing top fund managers and being able to invest with them.) He had paid as much as half a million dollars to have his firm's logo appear in the movie *Wall Street 2* and to buy himself a cameo part in the film. He ran a yearly conference for hedge funders at which he himself was the star. He had a television gig at Fox Business Channel. He was a famous partier every year at Davos, once exuberantly dancing alongside the son of Muammar Gaddafi.

As for the presidential campaign, when signing on with Donald Trump—after he had bet big against Trump—he billed himself as a version of Trump, and he saw the two of them as a new kind of showman and communicator set to transform politics.

Although his persistence and his constant on-the-spot personal lobbying might not have endeared him to anybody, it did prompt the "What to do with Scaramucci?" question, which somehow came to beg an answer. Priebus, trying to deal with the Mooch problem and dispose of him at the same time, suggested that he take a money-raising job as finance director of the RNC—an offer Scaramucci rebuffed in a blowup in Trump Tower, loudly bad-mouthing Priebus in vivid language, a mere preview of what was to come.

While he wanted a job with the Trump administration, the Mooch specifically wanted one of the jobs that would give him a tax break on the sale of his business. A federal program provides for deferred payment of capital gains in the event of a sale of property to meet ethical requirements. Scaramucci needed a job that would get him a "certificate of divestiture," which is what an envious Scaramucci knew Gary Cohn had received for the sale of his Goldman stock.

A week before the inaugural he was finally offered such a job: director of the White House Office of Public Engagement and Intergovernmental Affairs. He would be the president's representative and cheerleader before Trump-partial interest groups.

But the White House ethics office balked—the sale of his business would take months to complete and he would be directly negotiating with an entity that was at least in part controlled by the Chinese government. And because Scaramucci had little support from anybody else, he was effectively blocked. It was, a resentful Scaramucci noted, one of the few instances in the Trump government when someone's business conflicts interfered with a White House appointment.

And yet with a salesman's tenacity, the Mooch pressed on. He appointed himself a Trump ambassador without portfolio. He declared himself Trump's man on Wall Street, even if, practically speaking, he wasn't a Trump man and he was exiting his firm on Wall Street. He was also in constant touch with anybody from the Trump circle who was willing to be in touch with him.

The "What to do with the Mooch" question persisted. Kushner, with whom Scaramucci had exercised a rare restraint during the campaign, and who had steadily heard from other New York contacts about Scaramucci's continued loyalty, helped push the question.

Priebus and others held Scaramucci at bay until June and then, as a bit of a punch line, Scaramucci was offered and, degradingly, had to accept, being named senior vice president and chief strategy officer for the U.S. Export-Import Bank, an executive branch agency Trump had long vowed to eliminate. But the Mooch was not ready to give up the fight: after yet more lobbying, he was offered, at Bannon's instigation, the post of ambassador to the Organization for Economic Co-operation and Development. The job came with a twenty-room apartment on the Seine, a full staff, and—Bannon found this part particularly amusing—absolutely no influence or responsibilities.

* * *

Meanwhile, another persistent question, "What to do with Spicer," seemed to somehow have been joined to the disaster involving the bungled response to the news of the June 2016 meeting between Don Jr., Jared, and the Russians. Since the president, while traveling on Air Force One, had actually dictated Don Jr.'s response to the initial *Times* report about the meeting, the blame for this should have been laid at the feet of Trump and Hope Hicks: Trump dictated, Hicks transcribed. But because no disasters could be laid at the president's feet, Hicks herself was spared. And, even though he had been pointedly excluded from the Trump Tower crisis, the blame for the episode was now put at Spicer's feet, precisely because, his loyalty in doubt, he and the communications staff *had* to be excluded.

In this, the comms team was judged to be antagonistic if not hostile to the interests of Jared and Ivanka; Spicer and his people had failed to mount an inclusive defense for them, nor had the comms team adequately defended the White House. This of course homed in on the essential and obvious point: although the junior first couple were mere staffers and not part of the institutional standing of the White House, they thought and acted as if they were part of the presidential entity. Their ire and increasing bitterness came from some of the staff's reluctance—really, a deep and intensifying resistance—to treat them as part and parcel of the presidency. (Once Priebus had to take Ivanka aside to make sure she understood that in her official role, she was just a staffer. Ivanka had insisted on the distinction that she was a staffer-slash-First Daughter.)

Bannon was their public enemy; they expected nothing of him. But Priebus and Spicer

they regarded as functionaries, and their job was to support the White House's goals, which included their goals and interests.

Spicer, ever ridiculed in the media for his cockamamie defense of the White House and a seeming dumb loyalty, had been judged by the president, quite from the inauguration, to be not loyal enough and not nearly as aggressive as he should be in Trump's defense. Or, in Jared and Ivanka's view, in his family's defense. "What does Spicer's forty-member comm staff actually *do*?" was a persistent First Family question.

* * *

Almost from the beginning, the president had been interviewing potential new press secretaries. He appeared to have offered the job to various people, one of whom was Kimberly Guilfoyle, the Fox News personality and cohost of *The Five*. Guilfoyle, the former wife of California Democrat Gavin Newsom, was also reported to be Anthony Scaramucci's girlfriend, a rumor he denied. Unbeknownst to the White House, Scaramucci's personal life was in dramatic free fall. On July 9, nine months pregnant with their second child, Scaramucci's wife filed for divorce.

Guilfoyle, knowing that Spicer was on his way out but having decided not to take his job—or, according to others in the White House, never having been offered it—suggested Scaramucci, who set to work convincing Jared and Ivanka that theirs was largely a PR problem and that they were ill served by the current communications team.

Scaramucci called a reporter he knew to urge that an upcoming story about Kushner's Russian contacts be spiked. He followed up by having another mutual contact call the reporter to say that if the story was spiked it would help the Mooch get into the White House, whereupon the reporter would have special Mooch access. The Mooch then assured Jared and Ivanka that he had, in this clever way, killed the story.

Now Scaramucci had their attention. *We need some new thinking*, the couple thought; *we need somebody who is more on our side*. The fact that Scaramucci was from New York, and Wall Street, and was rich, reassured them that he understood what the deal was. And that he would understand the stakes and know that an aggressive game needed to be played.

On the other hand, the couple did not want to be perceived as being heavy-handed. So, after bitterly accusing Spicer of not defending them adequately, they suddenly backed off and suggested that they were just looking to add a new voice to the mix. The job of White House communications director, which had no precise purview, had been vacant since May, when Mike Dubke, whose presence at the White House had hardly registered, resigned. Scaramucci could take this job, the couple figured, and in that role he could be their ally.

"He's good on television," Ivanka told Spicer when she explained the rationale for hiring a former hedge fund manager as White House communications director. "Maybe he

can help us."

It was the president who, meeting with Scaramucci, was won over by the Mooch's cringeworthy Wall Street hortatory flattery. ("I can only hope to realize a small part of your genius as a communicator, but you are my example and model" was one report of the gist of the Scaramucci supplication.) And it was Trump who then urged that Scaramucci become the true communications chief, reporting directly to the president.

On July 19, Jared and Ivanka, through intermediaries, put a feeler out to Bannon: What would he think about Scaramucci's coming on board in the comms job?

So preposterous did this seem to Bannon—it was a cry of haplessness, and certain evidence that the couple had become truly desperate—that he refused to consider or even reply to the question. Now he was sure: Jarvanka was losing it.

21

BANNON AND SCARAMUCCI

Bannon's apartment in Arlington, Virginia, a fifteen-minute drive from downtown Washington, was called the "safe house." This seemed somehow to acknowledge his transience and to nod, with whatever irony, to the underground and even romantic nature of his politics—the roguish and *joie de guerre* alt-right. Bannon had decamped here from the Breitbart Embassy on A Street on Capitol Hill. It was a one-bedroom graduate-student sort of apartment, in a mixed-use building over a mega-McDonald's—quite belying Bannon's rumored fortune—with five or six hundred books (emphasis on popular history) stacked against the wall without benefit of shelving. His lieutenant, Alexandra Preate, also lived in the building, as did the American lawyer for Nigel Farage, the right-wing British Brexit leader who was part of the greater Breitbart circle.

On the evening on Thursday, July 20, the day after the contentious meeting about Afghanistan, Bannon was hosting a small dinner—organized by Preate, with Chinese takeout. Bannon was in an expansive, almost celebratory, mood. Still, Bannon knew, just when you felt on top of the world in the Trump administration, you could probably count on getting cut down. That was the pattern and price of one-man leadership—insecure-man leadership. The other biggest guy in the room always had to be reduced in size.

Many around him felt Bannon was going into another bad cycle. In his first run around the track, he'd been punished by the president for his *Time* magazine cover and for the *Saturday Night Live* portrayal of "President Bannon"—that cruelest of digs to Trump. Now there was a new book, *The Devil's Bargain*, and it claimed, often in Bannon's own words, that Trump could not have done it without him. The president was again greatly peeved.

Still, Bannon seemed to feel he had broken through. Whatever happened, he had clarity. It was such a mess inside in the White House that, if nothing else, this clarity would put him on top. His agenda was front and center, and his enemies sidelined. Jared and Ivanka were getting blown up every day and were now wholly preoccupied with protecting themselves. Dina Powell was looking for another job. McMaster had screwed himself on Afghanistan. Gary Cohn, once a killer enemy, was now desperate to be named

Fed chairman and currying favor with Bannon—"licking my balls," Bannon said with a quite a cackle. In return for supporting Cohn's campaign to win the Fed job, Bannon was extracting fealty from him for the right-wing trade agenda.

The geniuses were fucked. Even POTUS might be fucked. But Bannon had the vision and the discipline—he was sure he did. "I'm cracking my shit every day. The nationalist agenda, we're fucking owning it. I'll be there for the duration."

Before the dinner, Bannon had sent around an article from the *Guardian*—though one of the leading English-language left-leaning newspapers, it was nevertheless Bannon's favorite paper—about the backlash to globalization. The article, by the liberal journalist Nikil Saval, both accepted Bannon's central populist political premise—"the competition between workers in developing and developed countries … helped drive down wages and job security for workers in developed countries"—and elevated it to the epochal fight of our time. Davos was dead and Bannon was very much alive. "Economists who were once ardent proponents of globalization have become some of its most prominent critics," wrote Saval. "Erstwhile supporters now concede, at least in part, that it has produced inequality, unemployment and downward pressure on wages. Nuances and criticisms that economists only used to raise in private seminars are finally coming out in the open."

"I'm starting to get tired of winning" was all that Bannon said in his email with the link to the article.

Now, restless and pacing, Bannon was recounting how Trump had dumped on McMaster and, as well, savoring the rolling-on-the-floor absurdity of the geniuses' Scaramucci gambit. But most of all he was incredulous about something else that had happened the day before.

Unbeknownst to senior staff, or to the comms office—other than by way of a pro forma schedule note—the president had given a major interview to the *New York Times*. Jared and Ivanka, along with Hope Hicks, had set it up. The *Times*'s Maggie Haberman, Trump's bête noire ("very mean, and not smart") and yet his go-to journalist for some higher sort of approval, had been called in to see the president with her colleagues Peter Baker and Michael Schmidt. The result was one of the most peculiar and ill-advised interviews in presidential history, from a president who had already, several times before, achieved that milestone.

In the interview, Trump had done his daughter and son-in-law's increasingly frantic bidding. He had, even if to no clear end and without certain strategy, continued on his course of threatening the attorney general for recusing himself and opening the door to a special prosecutor. He openly pushed Sessions to resign—mocking and insulting him and daring him to try to stay. However much this seemed to advance no one's cause, except perhaps that of the special prosecutor, Bannon's incredulity—"Jefferson Beauregard Sessions is not going to go anywhere"—was most keenly focused on another remarkable

passage in the interview: the president had admonished the special counsel not to cross the line into his family's finances.

"Ehhh ... ehhh ... ehhh!" screeched Bannon, making the sound of an emergency alarm. "Don't look here! Let's tell a prosecutor what *not* to look at!"

Bannon then described the conversation he'd had with the president earlier that day: "I went right into him and said, 'Why did you say that?' And he says, 'The Sessions thing?' and I say, 'No, that's bad, but it's another day at the office.' I said, 'Why did you say it was off limits to go after your family's finances?' And he says, 'Well, it is … .' I go, 'Hey, they are going to determine their mandate… . You may not like it, but you just guaranteed if you want to get anybody else in [the special counsel] slot, every senator will make him swear that the first thing he's going to do is come in and subpoena your fucking tax returns.' "

Bannon, with further disbelief, recounted the details of a recent story from the *Financial Times* about Felix Sater, one of the shadiest of the shady Trump-associated characters, who was closely aligned with Trump's longtime personal lawyer, Michael Cohen (reportedly a target of the Mueller investigation), and a key follow-the-money link to Russia. Sater, "get ready for it—I know this may shock you, but wait for it"—had had major problems with the law before, "caught with a couple of guys in Boca running Russian money through a boiler room." And, it turns out, "Brother Sater" was prosecuted by—"wait"—*Andrew Weissmann*. (Mueller had recently hired Weissmann, a high-powered Washington lawyer who headed the DOJ's criminal fraud division.) "You've got the LeBron James of money laundering investigations on you, Jarvanka. My asshole just got so tight!"

Bannon quite literally slapped his sides and then returned to his conversation with the president. "And he goes, 'That's not their mandate.' Seriously, dude?"

Preate, putting out the Chinese food on a table, said, "It wasn't their mandate to put Arthur Andersen out of business during Enron, but that didn't stop Andrew Weissmann"—one of the Enron prosecutors.

"You realize where this is going," Bannon continued. "This is all about *money laundering*. Mueller chose Weissmann first and he is a money laundering guy. Their path to fucking Trump goes right through Paul Manafort, Don Jr., and Jared Kushner … It's as plain as a hair on your face… . It goes through all the Kushner shit. They're going to roll those two guys up and say play me or trade me. But … *'executive privilege!' "* Bannon mimicked. " 'We've got executive privilege!' There's no executive privilege! We proved that in Watergate."

An expressive man, Bannon seemed to have suddenly exhausted himself. After a pause, he added wearily: "They're sitting on a beach trying to stop a Category Five."

With his hands in front of him, he mimed something like a force field that would

isolate him from danger. "It's not my deal. He's got the five geniuses around him: Jarvanka, Hope Hicks, Dina Powell, and Josh Raffel." He threw up his hands again, this time as if to say *Hands off*. "I know no Russians, I don't know nothin' about nothin'. I'm not being a witness. I'm not hiring a lawyer. It is not going to be my ass in front of a microphone on national TV answering questions. Hope Hicks is so fucked she doesn't even know it. They are going to lay her out. They're going to crack Don Junior like an egg on national TV. Michael Cohen, cracked like an egg. He"—the president—"said to me everybody would take that Don Junior meeting with the Russians. I said, 'Everybody would *not* take that meeting.' I said, 'I'm a naval officer. I'm not going to take a meeting with Russian nationals, and do it in headquarters, are you fucking insane?' and he says, 'But he's a good boy.' There were no meetings like that after I took over the campaign."

Bannon's tone veered from ad absurdum desperation to resignation.

"If he fires Mueller it just brings the impeachment quicker. Why not, let's do it. Let's get it on. Why not? What am I going to do? Am I going to go in and save him? He's Donald Trump. He's always gonna do things. He wants an unrecused attorney general. I told him if Jeff Sessions goes, Rod Rosenstein goes, and then Rachel Brand"—the associate attorney general, next in line after Rosenstein—"goes, we'll be digging down into Obama career guys. An Obama guy will be acting attorney general. I said you're not going to get Rudy"—Trump had again revived a wish for his loyalists Rudy Giuliani or Chris Christie to take the job—"because he was on the campaign and will have to recuse himself, and Chris Christie, too, so those are masturbatory fantasies, get those out of your brain. And, for anybody to get confirmed now, they are going to have to swear and ensure that things will go ahead and they won't fire anybody, because you said yesterday—*Ehhh ... ehhh ... .ehhh!*—'my family finances are off limits,' and they're going to demand that, whoever he is, he promises and commits to make the family finances part of this investigation. I told him as night follows day that's a lock, so you better hope Sessions stays around."

"He was calling people in New York last night asking what he should do," added Preate. (Almost everybody in the White House followed Trump's thinking by tracking whom he had called the night before.)

Bannon sat back and, with steam-rising frustration—almost a cartoon figure—he outlined his Clinton-like legal plan. "They went to the mattresses with amazing discipline. They ground through it." But that *was* about discipline, he emphasized, and Trump, said Bannon, noting the obvious, was the least disciplined man in politics.

It was clear where Mueller and his team were going, said Bannon: they would trace a money trail through Paul Manafort, Michael Flynn, Michael Cohen, and Jared Kushner and roll one or all of them on the president.

It's Shakespearean, he said, enumerating the bad advice from his family circle: "It's the

geniuses, the same people who talked him into firing Comey, the same people on Air Force One who cut out his outside legal team, knowing the email was out there, knowing that email existed, put the statement out about Don Junior, that the meeting was all about adoptions … the same geniuses trying to get Sessions fired.

"Look, Kasowitz has known him for twenty-five years. Kasowitz has gotten him out of all kinds of jams. Kasowitz on the campaign—what did we have, a hundred women? Kasowitz took care of all of them. And now he's out in, what, four weeks? He's New York's toughest lawyer. Mark Corallo, toughest motherfucker I ever met, just can't do it."

Jared and Ivanka believe, said Bannon, that if they advocate prison reform and save DACA—the program to protect the children of illegal immigrants—the liberals will come to their defense. He digressed briefly to characterize Ivanka Trump's legislative acumen, and her difficulty—which had become quite a White House preoccupation—in finding sponsorship for her family leave proposal. "Here's why, I keep telling her: there's no political constituency in it. You know how easy it is to get a bill sponsored, any schmendrick can do it. You know why your bill has no sponsorship? Because people realize how *dumb* it is." In fact, said, Bannon, eyes rolling and mouth agape, it was the Jarvanka idea to try to trade off amnesty for the border wall. "If not the dumbest idea in Western civilization, it's up there in the top three. Do these geniuses even know who we are?"

Just then Bannon took a call, the caller telling him that it looked as if Scaramucci might indeed be getting the job of communications director. "Don't fuck with me, dude," he laughed. "Don't fuck with me like that!"

He got off the phone expressing further wonder at the fantasy world of the geniuses—and added, for good measure, an extra dollop of dripping contempt for them. "I literally do not talk to them. You know why? I'm doing my shit, and they got nothing to do with it, and I don't care what they're doing … I don't care… . I'm not going to be alone with them, I'm not going to be in a room with them. Ivanka walked into the Oval today … [and] as soon as she walked in, I looked at her and walked right out… . I won't be in a room … don't want to do it… . Hope Hicks walked in, I walked out."

"The FBI put Jared's father in jail," said Preate. "Don't they understand you don't mess __"

"Charlie Kushner," said Bannon, smacking his head again in additional disbelief. "He's going crazy because they're going to get down deep in his shit about how he's financed everyfhing… . all the shit coming out of Israel … and all these guys coming out of Eastern Europe … all these Russian guys … and guys in Kazakhstan… . And he's frozen on 666 [Fifth Avenue]… . [If] it goes under next year, the whole thing's cross-collateralized … he's wiped, he's gone, he's done, it's over… . Toast."

He held his face in his hands for a moment and then looked up again.

"I'm pretty good at coming up with solutions, I came up with a solution for his broke-dick campaign in about a day, but I don't see this. I don't see a plan for getting through. Now, I gave him a plan, I said you seal the Oval Office, you send those two kids home, you get rid of Hope, all these deadbeats, and you listen to your legal team—Kasowitz, and Mark Dowd, and Jay Sekulow, and Mark Corallo, these are all professionals who have done this many times. You listen to those guys and never talk about this stuff again, you just conduct yourself as commander in chief and then you can be president for eight years. If you don't, you're not, simple. But he's the president, he gets a choice, and he's clearly choosing to go down another path … and you can't stop him. The guy is going to call his own plays. He's Trump… ."

And then another call came, this one from Sam Nunberg. He, too, was calling about Scaramucci, and his words caused something like stupefaction in Bannon: "No fucking, fucking way."

Bannon got off the phone and said, "Jesus. Scaramucci. I can't even respond to this. It's Kafkaesque. Jared and Ivanka needed somebody to represent their shit. It's madness. He'll be on that podium for two days and he'll be so chopped he'll bleed out everywhere. He'll literally blow up in a week. This is why I don't take this stuff seriously. Hiring Scaramucci? He's not qualified to do anything. He runs a fund of funds. Do you know what a fund of funds is? It's not a fund. Dude, it's sick. We look like buffoons."

* * *

The ten days of Anthony Scaramucci, saw, on the first day, July 21, the resignation of Sean Spicer. Oddly, this seemed to catch everyone unawares. In a meeting with Scaramucci, Spicer, and Priebus, the president—who in his announcement of Scaramucci's hire as communications director had promoted Scaramucci not only over Spicer, but in effect over Priebus, his chief of staff—suggested that the men ought to be able to work it out together.

Spicer went back to his office, printed out his letter of resignation, and then took it back to the nonplussed president, who said again that he really wanted Spicer to be a part of things. But Spicer, surely the most mocked man in America, understood that he had been handed a gift. His White House days were over.

For Scaramucci, it was now payback time. Scaramucci blamed his six humiliating months out in the cold on nobody so much as Reince Priebus—having announced his White House future, having sold his business in anticipation of it, he had come away with nothing, or at least nothing of any value. But now, in a reversal befitting a true master of the universe—befitting, actually, Trump himself—Scaramucci was in the White House, bigger, better, and grander than even he had had the gall to imagine. And Priebus was dead meat.

That was the signal the president had sent Scaramucci—deal with the mess. In Trump's

view, the problems in his tenure so far were just problems about the team. If the team went, the problems went. So Scaramucci had his marching orders. The fact that the president had been saying the same stuff about his rotten team from the first day, that this riff had been a constant from the campaign on, that he would often say he wanted everybody to go and then turn around and say he *didn't* want everybody to go—all that rather went over Scaramucci's head.

Scaramucci began taunting Priebus publicly, and inside the West Wing he adopted a tough-guy attitude about Bannon—"I won't take his bullshit." Trump seemed delighted with this behavior, which led Scaramucci to feel that the president was urging him on. Jared and Ivanka were pleased, too; they believed they had scored with Scaramucci and were confident that he would defend them against Bannon and the rest.

Bannon and Priebus remained not just disbelieving but barely able not to crack up. For both men, Scaramucci was either a hallucinatory episode—they wondered whether they ought to just shut their eyes while it passed—or some further march into madness.

* * *

Even as measured against other trying weeks in the Trump White House, the week of July 24 was a head-slammer. First, it opened the next episode in what had become a comic-opera effort to repeal Obamacare in the Senate. As in the House, this had become much less about health care than a struggle both among Republicans in Congress and between the Republican leadership and the White House. The signature stand for the Republican Party had now become the symbol of its civil war.

On that Monday, the president's son-in-law appeared at the microphones in front of the West Wing to preview his statement to Senate investigators about the Trump campaign's connections to Russia. Having almost never spoken before in public, he now denied culpability in the Russian mess by claiming feckless naïveté; speaking in a reedy, self-pitying voice, he portrayed himself as a Candide-like figure who had become disillusioned by a harsh world.

And that evening, the president traveled to West Virginia to deliver a speech before the Boy Scouts of America. Once more, his speech was tonally at odds with time, place, and good sense. It prompted an immediate apology from the Boy Scouts to its members, their parents, and the country at large. The quick trip did not seem to improve Trump's mood: the next morning, seething, the president again publicly attacked his attorney general and —for good measure and no evident reason—tweeted his ban of transgender people in the military. (The president had been presented with four different options related to the military's transgender policy. The presentation was meant to frame an ongoing discussion, but ten minutes after receiving the discussion points, and without further consultation, Trump tweeted his transgender ban.)

The following day, Wednesday, Scaramucci learned that one of his financial disclosure

forms seemed to have been leaked; assuming he'd been sabotaged by his enemies, Scaramucci blamed Priebus directly, implicitly accusing him of a felony. In fact, Scaramucci's financial form was a public document available to all.

That afternoon, Priebus told the president that he understood he should resign and they should start talking about his replacement.

Then, that evening, there was a small dinner in the White House, with various current and former Fox News people, including Kimberly Guilfoyle, in attendance—and this was leaked. Drinking more than usual, trying desperately to contain the details of the meltdown of his personal life (being linked to Guilfoyle wasn't going to help his negotiation with his wife), and wired by events beyond his own circuits' capacity, Scaramucci called a reporter at the *New Yorker* magazine and unloaded.

The resulting article was surreal—so naked in its pain and fury, that for almost twenty-four hours nobody seemed to be able to quite acknowledge that he had committed public suicide. The article quoted Scaramucci speaking bluntly about the chief of staff: "Reince Priebus—if you want to leak something—he'll be asked to resign very shortly." Saying that he had taken his new job "to serve the country" and that he was "not trying to build my brand," Scaramucci also took on Steve Bannon: "I'm not Steve Bannon. I'm not trying to suck my own cock." (In fact, Bannon learned about the piece when fact-checkers from the magazine called him for comment about Scaramucci's accusation that he sucked his own cock.)

Scaramucci, who had in effect publicly fired Priebus, was behaving so bizarrely that it wasn't at all clear who would be the last man standing. Priebus, on the verge of being fired for so long, realized that he might have agreed to resign too soon. He might have gotten the chance to fire Scaramucci!

On Friday, as health care repeal cratered in the Senate, Priebus joined the president on board Air Force One for a trip to New York for a speech. As it happened, so did Scaramucci, who, avoiding the *New Yorker* fallout, had said he'd gone to New York to visit his mother but in fact had been hiding out at the Trump Hotel in Washington. Now here he was, with his bags (he would indeed now stay in New York and visit his mother), behaving as though nothing had happened.

On the way back from the trip, Priebus and the president talked on the plane and discussed the timing of his departure, with the president urging him to do it the right way and to take his time. "You tell me what works for you," said Trump. "Let's make it good."

Minutes later, Priebus stepped onto the tarmac and an alert on his phone said the president had just tweeted that there was a new chief of staff, Department of Homeland Security chief John Kelly, and that Priebus was out.

The Trump presidency was six months old, but the question of who might replace Priebus had been a topic of discussion almost from day one. Among the string of

candidates were Powell and Cohn, the Jarvanka favorites; OMB director Mick Mulvaney, one of the Bannon picks; and Kelly.

In fact, Kelly—who would soon abjectly apologize to Priebus for the basic lack of courtesy in the way his dismissal was handled—had not been consulted about his appointment. The president's tweet was the first he knew of it.

But indeed there was no time to waste. Now the paramount issue before the Trump government was that somebody would have to fire Scaramucci. Since Scaramucci had effectively gotten rid of Priebus—the person who logically should have fired *him*—the new chief of staff was needed, more or less immediately, to get rid of the Mooch.

And six days later, just hours after he was sworn in, Kelly fired Scaramucci.

Chastened themselves, the junior first couple, the geniuses of the Scaramucci hire, panicked that they would, deservedly, catch the blame for one of the most ludicrous if not catastrophic hires in modern White House history. Now they rushed to say how firmly they supported the decision to get rid of Scaramucci.

"So I punch you in the face," Sean Spicer noted from the sidelines, "and then say, 'Oh my god, we've got to get you to a hospital!' "

22

GENERAL KELLY

On August 4, the president and key members of the West Wing left for Trump's golf club in Bedminster. The new chief of staff, General Kelly, was in tow, but the president's chief strategist, Steve Bannon, had been left behind. Trump was grouchy about the planned seventeen-day trip, bothered by how diligently his golf dates were being clocked by the media. So this was now dubbed a "working" trip—another piece of Trump vanity that drew shrugs, eye rolling, and head shaking from a staff that had been charged with planning events that looked like work even as they were instructed to leave yawning expanses of time for golf.

During the president's absence, the West Wing would be renovated—Trump, the hotelier and decorator, was "disgusted" by its condition. The president did not want to move over to the nearby Executive Office Building, where the West Wing business would temporarily be conducted—and where Steve Bannon sat waiting for his call to go to Bedminster.

He was about to leave for Bedminster, Bannon kept telling everyone, but no invitation came. Bannon, who claimed credit for bringing Kelly into the administration in the first place, was unsure where he stood with the new chief. Indeed, the president himself was unsure about where he himself stood; he kept asking people if Kelly liked him. More generally, Bannon wasn't entirely clear *what* Kelly was doing, other than his duty. Where exactly did the new chief of staff fit in Trumpworld?

While Kelly stood somewhere right of center on the political spectrum and had been a willing tough immigration enforcer at Homeland Security, he was not anywhere near so right as Bannon or Trump. "He's not hardcore" was Bannon's regretful appraisal. At the same time, Kelly was certainly not close in any way to the New York liberals in the White House. But politics was not his purview. As director of Homeland Security he had watched the chaos in the White House with disgust and thought about quitting. Now he had agreed to try to tame it. He was sixty-seven, resolute, stern, and grim. "Does he ever smile?" asked Trump, who had already begun to think that he had somehow been tricked into the hire.

Some Trumpers, particularly those with over-the-transom access to the president, believed that he had been tricked into some form of very-much-not-Trump submission. Roger Stone, one of those people whose calls Kelly was now shielding the president from, spread the dark scenario that Mattis, McMaster, and Kelly had agreed that no military action would ever be taken unless the three were in accord—and that at least one of them would always remain in Washington if the others were away.

After Kelly dispatched Scaramucci, his two immediate issues, now on the table in Bedminster, were the president's relatives and Steve Bannon. One side or the other obviously had to go. Or perhaps both should go.

It was far from clear whether a White House chief of staff who saw his function as establishing command process and enforcing organizational hierarchy—directing a decision funnel to the commander in chief—could operate effectively or even exist in a White House where the commander in chief's children had special access and overriding influence. As much as the president's daughter and son-in-law were now offering slavish regard for the new command principals, they would, surely, by habit and temperament, override Kelly's control of the West Wing. Not only did they have obvious special influence with the president, but important members of the staff saw them as having this juice, and hence believed that they were the true north of West Wing advancement and power.

Curiously, for all their callowness, Jared and Ivanka had become quite a fearsome presence, as feared by others as the two of them feared Bannon. What's more, they had become quite accomplished infighters and leakers—they had front-room *and* back-channel power—although, with great woundedness, they insisted, incredibly, that they never leaked. "If they hear someone talking about them, because they are so careful about their image and have crafted this whole persona—it's like anyone who tries to pierce it or say something against it is like a big problem," said one senior staffer. "They get very upset and will come after you."

On the other hand, while "the kids" might make Kelly's job all but impossible, keeping Bannon on board didn't make a lot of sense, either. Whatever his gifts, he was a hopeless plotter and malcontent, bound to do an end run around any organization. Besides, as the Bedminster hiatus—working or otherwise—began, Bannon was once more on the president's shit list.

The president continued to stew about *The Devil's Bargain*, the book by Joshua Green that gave Bannon credit for the election. Then, too, while the president tended to side with Bannon against McMaster, the campaign to defend McMaster, supported by Jared and Ivanka, was having an effect. Murdoch, enlisted by Jared to help defend McMaster, was personally lobbying the president for Bannon's head. Bannonites felt they had to defend Bannon against an impulsive move by the president: so now, not only did they brand McMaster as weak on Israel, they persuaded Sheldon Adelson to lobby Trump—Bannon,

Adelson told the president, was the only person he trusted on Israel in the White House. Adelson's billions and implacability always impressed Trump, and his endorsement, Bannon believed, significantly strengthened his hand.

But overriding the management of the harrowing West Wing dysfunction, Kelly's success—or even relevance, as he was informed by almost anyone who was in a position to offer him an opinion—depended on his rising to the central challenge of his job, which was how to manage Trump. Or, actually, how to live with not managing him. His desires, needs, and impulses had to exist—*necessarily* had to exist—outside the organizational structure. Trump was the one variable that, in management terms, simply could not be controlled. He was like a recalcitrant two-year-old. If you tried to control him, it would only have the opposite effect. In this, then, the manager had to most firmly manage his own expectations.

In an early meeting with the president, General Kelly had Jared and Ivanka on his agenda—how the president saw their role; what he thought was working and not working about it; how he envisioned it going forward. It was all intended to be a politic way of opening a discussion about getting them out. But the president was, Kelly soon learned, delighted with all aspects of their performance in the West Wing. Maybe at some point Jared would become secretary of state—that was the only change the president seemed to foresee. The most Kelly could do was to get the president to acknowledge that the couple should be part of a greater organizational discipline in the West Wing and should not so readily jump the line.

This, at least, was something that the general could try to enforce. At a dinner in Bedminster—the president dining with his daughter and son-in-law—the First Family were confused when Kelly showed up at the meal and joined them. This, they shortly came to understand, was neither an attempt at pleasant socializing nor an instance of unwarranted over-familiarity. It was enforcement: Jared and Ivanka needed to go through him to talk to the president.

But Trump had made clear his feeling that the roles played by the kids in his administration needed only minor adjustment, and this now presented a significant problem for Bannon. Bannon really had believed that Kelly would find a way to send Jarvanka home. How could he not? Indeed, Bannon had convinced himself that they represented the largest danger to Trump. They would take the president down. As much, Bannon believed that *he* could not remain in the White House if they did.

Beyond Trump's current irritation with Bannon, which many believed was just the usual constant of Trump resentment and complaint, Bannonites felt that their leader had, at least policywise, gained the upper hand. Jarvanka was marginalized; the Republican leadership, after health care, was discredited; the Cohn-Mnuchin tax plan was a hash. Through one window, the future looked almost rosy for Bannon. Sam Nunberg, the former Trump loyalist who was now wholly a Bannon loyalist, believed that Bannon would stay

in the White House for two years and then leave to run Trump's reelection campaign. "If you can get this idiot elected twice," Nunberg marveled, you would achieve something like immortality in politics.

But through another window, Bannon couldn't possibly remain in place. He seemed to have moved into a heightened state that allowed him to see just how ridiculous the White House had become. He could barely hold his tongue—indeed, he couldn't hold it. Pressed, he could not see the future of the Trump administration. And, while many Bannonites argued the case for Jarvanka ineffectiveness and irrelevance—just ignore them, they said—Bannon, with mounting ferocity and pubic venom, could abide them less and less every day.

Bannon, continuing to wait for his call to join the president in Bedminster, decided that he would force the situation and offered his resignation to Kelly. But this was in fact a game of chicken: he wanted to stay. On the other hand, he wanted Jarvanka to go. And that became an effective ultimatum.

* * *

At lunch on August 8, in the Clubhouse at Bedminster—amid Trumpish chandeliers, golf trophies, and tournament plaques—the president was flanked by Tom Price, the secretary of health and human services, and his wife, Melania. Kellyanne Conway was at the lunch; so were Kushner and several others. This was one of the "make-work" events—over lunch, there was a discussion of the opioid crisis, which was then followed by a statement from the president and a brief round of questions from reporters. While reading the statement in a monotone, Trump kept his head down, propping it on his elbows.

After taking some humdrum questions about opioids, he was suddenly asked about North Korea, and, quite as though in stop-action animation, he seemed to come alive.

North Korea had been a heavy-on-detail, short-on-answers problem that that he believed was the product of lesser minds and weaker resolve—and that he had trouble paying attention to. What's more, he had increasingly personalized his antagonism with North Korean leader Kim Jong-un, referring to him often with derogatory epithets.

His staff had not prepared him for this, but, in apparent relief that he could digress from the opioid discussion, as well as sudden satisfaction at the opportunity to address this nagging problem, he ventured out, in language that he'd repeated often in private—as he repeated everything often—to the precipice of an international crisis.

"North Korea best not make any more threats to the United States. They will be met with the fire and the fury like the world has never seen. He has been very threatening beyond a normal state, and as I said they will be met with fire and fury and frankly power, the likes of which this world has never seen before. Thank you."

* * *

North Korea, a situation the president had been consistently advised to downplay, now became the central subject of the rest of the week—with most senior staff occupied not so much by the topic itself, but by how to respond to the president, who was threatening to "blow" again.

Against this background, almost no one paid attention to the announcement by the Trump supporter and American neo-Nazi Richard Spencer that he was organizing a protest at the University of Virginia, in Charlottesville, over the removal of a statue of Robert E. Lee. "Unite the Right," the theme of the rally called for Saturday, August 12, was explicitly designed to link Trump's politics with white nationalism.

On August 11, with the president in Bedminster continuing to threaten North Korea—and also, inexplicably to almost everyone on his staff, threatening military intervention in Venezuela—Spencer called for an evening protest.

At 8:45 p.m.—with the president in for the night in Bedminster—about 250 young men dressed in khaki pants and polo shirts, quite a Trump style of dress, began an organized parade across the UVA campus while carrying kerosene torches. Parade monitors with headsets directed the scene. At a signal, the marchers began chanting official movement slogans: "Blood and soil!" "You will not replace us!" "Jews will not replace us!" Soon, at the center of campus, near a statue of UVA's founder, Thomas Jefferson, Spencer's group was met by a counterprotest. With virtually no police presence, the first of the weekend's melees and injuries ensued.

Beginning again at eight o'clock the next morning, the park near the Lee statue became the battleground of a suddenly surging white racist movement, with clubs, shields, mace, pistols, and automatic rifles (Virginia is an "open carry" state)—a movement seemingly, and to liberal horror, born out of the Trump campaign and election, as in fact Richard Spencer intended it to seem. Opposing the demonstrators was a hardened, militant left called to the barricades. You could hardly have better set an end-times scene, no matter the limited numbers of protesters. Much of the morning involved a series of charges and countercharges—a rocks-and-bottles combat, with a seemingly hands-off police force standing by.

In Bedminster, there was still little awareness of the unfolding events in Charlottesville. But then, at about one o'clock in the afternoon, James Alex Fields Jr., a twenty-year-old would-be Nazi, plunged his Dodge Charger into a group of counterprotesters, killing thirty-two-year-old Heather Heyer and injuring a score of others.

In a tweet hurriedly composed by his staff, the president declared: "We ALL must be united & condemn all that hate stands for. There is no place for this kind of violence in America. Lets come together as one!"

Otherwise, however, it was largely business as usual for the president—Charlottesville was a mere distraction, and indeed, the staff's goal was to keep him off North Korea. The

main event in Bedminster that day was the ceremonial signing of an act extending the funding of a program that let veterans obtain medical care outside VA hospitals. The signing was held in a big ballroom at the Clubhouse two hours after Alex Field's attack.

During the signing, Trump took a moment to condemn the "hatred, bigotry, and violence on many sides" in Charlottesville. Almost immediately, the president came under attack for the distinction he had appeared to refuse to draw between avowed racists and the other side. As Richard Spencer had correctly understood, the president's sympathies were muddled. However easy and obvious it was to condemn white racists—even self-styled neo-Nazis—he instinctively resisted.

It wasn't until the next morning that the White House finally tried to clarify Trump's position with a formal statement: "The President said very strongly in his statement yesterday that he condemns all forms of violence, bigotry, and hatred. Of course that includes white supremacists, KKK neo-Nazi and all extremist groups. He called for national unity and bringing all Americans together."

But in fact he hadn't condemned white supremacists, KKK, and neo-Nazis—and he continued to be stubborn about not doing it.

In a call to Bannon, Trump sought help making his case: "Where does this all end? Are they going to take down the Washington Monument, Mount Rushmore, Mount Vernon?" Bannon—still not receiving his summons to Bedminster—urged this to be the line: the president should condemn violence and misfits and also defend history (even with Trump's weak grasp of it). Stressing the literal issue of monuments would bedevil the left and comfort the right.

But Jared and Ivanka, with Kelly backing them, urged presidential behavior. Their plan was to have Trump return to the White House and address the issue with a forceful censure of hate groups and racial politics—exactly the unambiguous sort of position Richard Spencer had strategically bet Trump would not willingly take.

Bannon, understanding these same currents in Trump, lobbied Kelly and told him that the Jarvanka approach would backfire: *It will be clear his heart's not in it*, said Bannon.

The president arrived shortly before eleven o'clock on Monday morning at a White House under construction and a wall of shouted questions about Charlottesville: "Do you condemn the actions of neo-Nazis? Do you condemn the actions of white supremacists?" Some ninety minutes later he stood in the Diplomatic Reception Room, his eyes locked on to the teleprompter, and delivered a six-minute statement.

Before getting to the point: "Our economy is now strong. The stock market continues to hit record highs, unemployment is at a sixteen-year low, and businesses are more optimistic than ever before. Companies are moving back to the United States and bringing many thousands of jobs with them. We have already created over one million jobs since I took office."

And only then: "We must love each other, show affection for each other and unite together in condemnation of hatred, bigotry and violence… . We must rediscover the bonds of love and loyalty that bring us together as Americans… . Racism is evil. And those who cause violence in its name are criminals and thugs including the KKK, neo-Nazis, white supremacists, and other hate groups that are repugnant to everything we hold dear as Americans."

It was a reluctant mini-grovel. It was something of a restaging of the take-it-back birther speech about Obama during the campaign: much distraction and obfuscation, then a mumbled acknowledgment. Similarly, he looked here, trying to tow the accepted line on Charlottesville, like a kid called on the carpet. Resentful and petulant, he was clearly reading forced lines.

And in fact he got little credit for these presidential-style remarks, with reporters shouting questions about why it had taken him so long to address the issue. As he got back on Marine One to head to Andrews Air Force Base and on to JFK and then into Manhattan and Trump Tower, his mood was dark and I-told-you-so. Privately, he kept trying to rationalize why someone would be a member of the KKK—that is, they might not actually believe what the KKK believed, and the KKK probably does not believe what it used to believe, and, anyway, who really knows what the KKK believes now? In fact, he said, his own father was accused of being involved with the KKK—not true. (In fact, yes, true.)

The next day, Tuesday, August 15, the White House had a news conference scheduled at Trump Tower. Bannon urged Kelly to cancel it. It was a nothing conference anyway. Its premise was about infrastructure—about undoing an environmental regulation that could help get projects started faster—but it was really just another effort to show that Trump was working and not just on a holiday. So why bother? What's more, Bannon told Kelly, he could see the signs: the arrow on the Trump pressure cooker was climbing, and before long he'd blow.

The news conference went ahead anyway. Standing at the lectern in the lobby of Trump Tower, the president stayed on script for mere minutes. Defensive and self-justifying, he staked out a contrition-is-bunk, the-fault-lies-everywhere-else position and then dug in deep. He went on without an evident ability to adjust his emotions to political circumstance or, really, even to make an effort to save himself. It was yet one more example, among his many now, of the comic-absurd, movielike politician who just says whatever is on his mind. Unmediated. Crazylike.

"What about the alt-left that came charging at the, as you say, altright? Do they have any semblance of guilt? What about the fact they came charging with clubs in their hands? As far as I'm concerned that was a horrible, horrible day… . I think there's blame on both sides. I have no doubt about it, you don't have any doubt about it. If you reported it accurately, you would see."

Steve Bannon, still waiting in his temporary office in the EOB, thought, *Oh my god, there he goes. I told you so.*

* * *

Outside of the portion of the electorate that, as Trump once claimed, would let him shoot someone on Fifth Avenue, the civilized world was pretty much universally aghast. Everybody came to a dumbfounded moral attention. Anybody in any position of responsibility remotely tied to some idea of establishment respectability had to disavow him. Every CEO of a public company who had associated him- or herself with the Trump White House now needed to cut the ties. The overriding issue might not even be what unreconstructed sentiments he actually seemed to hold in his heart—Bannon averred that Trump was not in fact anti-Semitic, but on the other count he wasn't sure—but that he flat-out couldn't control himself.

In the wake of the immolating news conference, all eyes were suddenly on Kelly—this was his baptism of Trump fire. Spicer, Priebus, Cohn, Powell, Bannon, Tillerson, Mattis, Mnuchin—virtually the entire senior staff and cabinet of the Trump presidency, past and present, had traveled through the stages of adventure, challenge, frustration, battle, self-justification, and doubt, before finally having to confront the very real likelihood that the president they worked for—whose presidency they bore some official responsibility for—didn't have the wherewithal to adequately function in his job. Now, after less than two weeks on the job, it was Kelly's turn to stand at that precipice.

The debate, as Bannon put it, was not about whether the president's situation was bad, but whether it was Twenty-Fifth-Amendment bad.

* * *

To Bannon, if not to Trump, the linchpin of Trumpism was China. The story of the next generation, he believed, had been written, and it was about war with China. Commercial war, trade war, cultural war, diplomatic war—it would be an all-encompassing war that few in the United States now understood needed to be fought, and that almost nobody was prepared to fight.

Bannon had compiled a list of "China hawks" that crossed political lines, going from the Breitbart gang, to former *New Republic* editor Peter Beinart—who regarded Bannon only with scorn—and orthodox liberal-progressive stalwart Robert Kuttner, the editor of the small, public policy magazine *American Prospect*. On Wednesday, August 16, the day after the president's news conference in Trump Tower, Bannon, out of the blue, called Kuttner from his EOB office to talk China.

By this point, Bannon was all but convinced that he was on the way out of the White House. He had received no invitation to join the president in Bedminster, a withering sign. That day, he had learned of the appointment of Hope Hicks as interim communications director—a Jarvanka victory. Meanwhile, the steady whisper from the Jarvanka side

continued about his certain demise; it had become a constant background noise.

He was still not sure he would be fired, yet Bannon, in only the second on-the-record interview he had given since the Trump victory, called Kuttner and in effect sealed his fate. He would later maintain that the conversation was not on the record. But this was the Bannon method, in which he merely tempted fate.

If Trump was helplessly Trump in his most recent news conference, Bannon was helplessly Bannon in his chat with Kuttner. He tried to prop up what he made sound like a weak Trump on China. He corrected, in mocking fashion, the president's bluster on North Korea—"ten million people in Seoul" will die, he declared. And he insulted his internal enemies—"they're wetting themselves."

If Trump was incapable of sounding like a president, Bannon had matched him: he was incapable of sounding like a presidential aide.

* * *

That evening, a group of Bannonites gathered near the White House for dinner. The dinner was called for the bar at the Hay-Adams hotel, but Arthur Schwartz, a Bannonite PR man, got into an altercation with the Hay-Adams bartender about switching the television from CNN to Fox, where his client, Blackstone's Stephen Schwarzman, the chairman of one of the president's business councils, was shortly to appear. The business council was hemorrhaging its CEO members after the president's Charlottesville news conference, and Trump, in a tweet, had announced that he was disbanding it. (Schwarzman had advised the president that the council was collapsing and that the president ought to at least make it look as if shutting it down was his decision.)

Schwartz, in high dudgeon, announced that he was checking out of the Hay-Adams and moving to the Trump Hotel. He also insisted that the dinner be moved two blocks away to Joe's, an outpost of Miami's Joe's Stone Crab. Matthew Boyle, the Washington political editor of Breitbart News, was swept into Schwartz's furious departure, with Schwartz upbraiding the twenty-nine-year-old for lighting a cigarette. "I don't know anyone who smokes," he sniffed. Although Schwartz was firmly in the Bannon camp, this seemed to be a general dig at the Breitbart people for being low-class.

Both dedicated Bannonites debated the effect of Bannon's interview, which had caught everybody in the Bannon universe off guard. Neither man could understand why he would have given an interview.

Was Bannon finished?

No, no, no, argued Schwartz. He might have been a few weeks ago when Murdoch had ganged up with McMaster and gone to the president and pressed him to dump Bannon. But then Sheldon had fixed it, Schwartz said.

"Steve stayed home when Abbas came," said Schwartz. "He wasn't going to breathe

the air that a terrorist breathed." This was the precise line Schwartz would hand out to reporters in the coming days in a further effort to establish Bannon's right-wing virtue.

Alexandra Preate, Bannon's lieutenant, arrived at Joe's out of breath. Seconds later, Jason Miller, another PR man in the Bannon fold, arrived. During the transition, Miller had been slated to be the communications director, but then it had come out that Miller had had a relationship with another staff member who announced in a tweet she was pregnant by Miller—as was also, at this point, Miller's wife. Miller, who had lost his promised White House job but continued serving as an outside Trump and Bannon voice, was now, with the recent birth of the child—with the recent birth of both of his children by different women—facing another wave of difficult press. Still, even he was obsessively focused on what Bannon's interview might mean.

By now the table was buzzing with speculation.

How would the president react?

How would Kelly react?

Was this curtains?

For a group of people in touch with Bannon on an almost moment-by-moment basis, it was remarkable that nobody seemed to understand that, forcibly or otherwise, he would surely be moving out of the White House. On the contrary, the damaging interview was, by consensus, converted into a brilliant strategic move. Bannon was not going anywhere —not least because there was no Trump without Bannon.

It was an excited dinner, a revved-up occasion involving a passionate group of people all attached to the man who they believed was the most compelling figure in Washington. They saw him as some sort of irreducible element: Bannon was Bannon was Bannon.

As the evening went on, Matt Boyle got in a furious text-message fight with Jonathan Swan, a White House reporter who had written a story about Bannon being on the losing side in the Bannon-McMaster showdown. Soon almost every well-connected reporter in the city was checking in with somebody at the table. When a text came in, the recipient would hold up his or her phone if it showed a notable reporter's name. At one point, Bannon texted Schwartz some talking points. Could it be that this was just one more day in the endless Trump drama?

Schwartz, who seemed to regard Trump's stupidity as a political given, offered a vigorous analysis of why Trump could not do without Bannon. Then, seeking more proof of his theory, Schwartz said he was texting Sam Nunberg, generally regarded as the man who understood Trump's whims and impulses best, and who had sagely predicted Bannon's survival at each doubtful moment in the past months.

"Nunberg always knows," said Schwartz.

Seconds later, Schwartz looked up. His eyes widened and for a moment he went silent. Then he said: “Nunberg says Bannon’s dead.”

And, indeed, unbeknownst to the Bannonites, even those closest to him, Bannon was at that moment finalizing his exit with Kelly. By the next day, he would be packing up his little office, and on Monday, when Trump would return to a refurbished West Wing—a paint job, new furniture, and new rugs, its look tilting toward the Trump Hotel—Steve Bannon would be back on Capitol Hill at the Breitbart Embassy, still, he was confident, the chief strategist for the Trump revolution.

EPILOGUE: BANNON AND TRUMP

On a sweltering morning in October 2017, the man who had more or less single-handedly brought about the U.S. withdrawal from the Paris climate accord, stood on the steps of the Breitbart town house and said, with a hearty laugh, "I guess global warming is real."

Steve Bannon had lost twenty pounds since his exit from the White House six weeks before—he was on a crash all-sushi diet. "That building," said his friend David Bossie, speaking about all White Houses but especially the Trump White House, "takes perfectly healthy people and turns them into old, unhealthy people." But Bannon, who Bossie had declared on virtual life support during his final days in the West Wing, was again, by his own description, "on fire." He had moved out of the Arlington "safe house" and reestablished himself back at the Breitbart Embassy, turning it into a headquarters for the next stage of the Trump movement, which might not include Trump at all.

Asked about Trump's leadership of the nationalist-populist movement, Bannon registered a not inconsiderable change in the country's political landscape: "I am the leader of the national-populist movement."

One cause of Bannon's boast and new resolve was that Trump, for no reason that Bannon could quite divine, had embraced Mitch McConnell's establishment candidate in the recent Republican run-off in Alabama rather than support the nat-pop choice for the Senate seat vacated by now attorney general Jeff Sessions. After all, McConnell and the president were barely on speaking terms. From his August "working holiday" in Bedminster, the president's staff had tried to organize a makeup meeting with McConnell, but McConnell's staff had sent back word that it wouldn't be possible because the Senate leader would be getting a haircut.

But the president—ever hurt and confused by his inability to get along with the congressional leadership, and then, conversely, enraged by their refusal to get along with him—had gone all-in for the McConnell-backed Luther Strange, who had run against Bannon's candidate, the right-wing firebrand Roy Moore. (Even by Alabama standards, Moore was far right: he had been removed as chief justice of the Alabama Supreme Court

for defying a federal court order to take down a monument of the Ten Commandments in the Alabama judicial building.)

For Bannon, the president's political thinking had been obtuse at best. He was unlikely to get anything from McConnell—and indeed Trump had demanded nothing for his support for Luther Strange, which came via an unplanned tweet in August. Strange's prospects were not only dim, but he was likely to lose in a humiliating fashion. Roy Moore was the clear candidate of the Trump base—and he was Bannon's candidate. Hence, that would be the contest: Trump against Bannon. In fact, the president really didn't have to support anyone—no one would have complained if he'd stayed neutral in a primary race. Or, he could have tacitly supported Strange and not doubled down with more and more insistent tweets.

For Bannon, this episode was not only about the president's continuing and curious confusion about what he represented, but about his mercurial, intemperate, and often cockamamie motivations. Against all political logic, Trump had supported Luther Strange, he told Bannon, because "Luther's my friend."

"He said it like a nine-year-old," said Bannon, recoiling, and noting that there was no universe in which Trump and Strange were actually friends.

For every member of the White House senior staff this would be the lasting conundrum of dealing with President Trump: the "why" of his often baffling behavior.

"The president fundamentally wants to be liked" was Katie Walsh's analysis. "He just fundamentally needs to be liked so badly that it's always … everything is a struggle for him."

This translated into a constant need to win something—anything. Equally important, it was essential that he *look* like a winner. Of course, trying to win without consideration, plan, or clear goals had, in the course of the administration's first nine months, resulted in almost nothing but losses. At the same time, confounding all political logic, that lack of a plan, that impulsivity, that apparent *joie de guerre*, had helped create the disruptiveness that seemed to so joyously shatter the status quo for so many.

But now, Bannon thought, that novelty was finally wearing off.

For Bannon, the Strange-Moore race had been a test of the Trump cult of personality. Certainly Trump continued to believe that people were following *him*, that he was the movement—and that his support was worth 8 to 10 points in any race. Bannon had decided to test this thesis and to do it as dramatically as possible. All told, the Senate Republican leadership and others spent $32 million on Strange's campaign, while Moore's campaign spent $2 million.

Trump, though aware of Strange's deep polling deficit, had agreed to extend his support in a personal trip. But his appearance in Huntsville, Alabama, on September 22,

before a Trump-size crowd, was a political flatliner. It was a full-on Trump speech, ninety minutes of rambling and improvisation—the wall would be built (now it was a see-through wall), Russian interference in the U.S. election was a hoax, he would fire anybody on his cabinet who supported Moore. But, while his base turned out en masse, still drawn to Trump the novelty, his cheerleading for Luther Strange drew at best a muted response. As the crowd became restless, the event threatened to become a hopeless embarrassment.

Reading his audience and desperate to find a way out, Trump suddenly threw out a line about Colin Kaepernick taking to his knee while the national anthem played at a National Football League game. The line got a standing ovation. The president thereupon promptly abandoned Luther Strange for the rest of the speech. Likewise, for the next week he continued to whip the NFL. Pay no attention to Strange's resounding defeat five days after the event in Huntsville. Ignore the size and scale of Trump's rejection and the Moore-Bannon triumph, with its hint of new disruptions to come. Now Trump had a new topic, and a winning one: the Knee.

* * *

The fundamental premise of nearly everybody who joined the Trump White House was, *This can work. We can help make this work.* Now, only three-quarters of the way through just the first year of Trump's term, there was literally not one member of the senior staff who could any longer be confident of that premise. Arguably—and on many days indubitably—most members of the senior staff believed that the sole upside of being part of the Trump White House was to help prevent worse from happening.

In early October, Secretary of State Rex Tillerson's fate was sealed—if his obvious ambivalence toward the president had not already sealed it—by the revelation that he had called the president "a fucking moron."

This—insulting Donald Trump's intelligence—was both the thing you could not do and the thing—drawing there-but-for-the-grace-of-God guffaws across the senior staff—that everybody was guilty of. Everyone, in his or her own way, struggled to express the baldly obvious fact that the president did not know enough, did not know what he didn't know, did not particularly care, and, to boot, was confident if not serene in his unquestioned certitudes. There was now a fair amount of back-of-the-classroom giggling about who had called Trump what. For Steve Mnuchin and Reince Priebus, he was an "idiot." For Gary Cohn, he was "dumb as shit." For H. R. McMaster he was a "dope." The list went on.

Tillerson would merely become yet another example of a subordinate who believed that his own abilities could somehow compensate for Trump's failings.

Aligned with Tillerson were the three generals, Mattis, McMasters, and Kelly, each seeing themselves as representing maturity, stability, and restraint. And each, of course, was resented by Trump for it. The suggestion that any or all of these men might be more focused and even tempered than Trump himself was cause for sulking and tantrums on the

president's part.

The daily discussion among senior staffers, those still there and those now gone—all of whom had written off Tillerson's future in the Trump administration—was how long General Kelly would last as chief of staff. There was something of a virtual office pool, and the joke was that Reince Priebus was likely to be Trump's longest-serving chief of staff. Kelly's distaste for the president was open knowledge—in his every word and gesture he condescended to Trump—the president's distaste for Kelly even more so. It was sport for the president to defy Kelly, who had become the one thing in his life he had never been able to abide: a disapproving and censorious father figure.

* * *

There really were no illusions at 1600 Pennsylvania Avenue. Kelly's long-suffering antipathy toward the president was rivaled only by his scorn for the president's family —"Kushner," he pronounced, was "insubordinate." Cohn's derisive contempt for Kushner as well as the president was even greater. In return, the president heaped more abuse on Cohn—the former president of Goldman Sachs was now a "complete idiot, dumber than dumb." In fact, the president had also stopped defending his own family, wondering when they would "take the hint and go home."

But, of course, this was still politics: those who could overcome shame or disbelief—and, despite all Trumpian coarseness and absurdity, suck up to him and humor him—might achieve unique political advantage. As it happened, few could.

By October, however, many on the president's staff took particular notice of one of the few remaining Trump opportunists: Nikki Haley, the UN ambassador. Haley—"as ambitious as Lucifer," in the characterization of one member of the senior staff—had concluded that Trump's tenure would last, at best, a single term, and that she, with requisite submission, could be his heir apparent. Haley had courted and befriended Ivanka, and Ivanka had brought her into the family circle, where she had become a particular focus of Trump's attention, and he of hers. Haley, as had become increasingly evident to the wider foreign policy and national security team, was the family's pick for secretary of state after Rex Tillerson's inevitable resignation. (Likewise, in this shuffle, Dina Powell would replace Haley at the UN.)

The president had been spending a notable amount of private time with Haley on Air Force One and was seen to be grooming her for a national political future. Haley, who was much more of a traditional Republican, one with a pronounced moderate streak—a type increasingly known as a Jarvanka Republican—was, evident to many, being mentored in Trumpian ways. The danger here, offered one senior Trumper, "is that she is so much smarter than him."

What now existed, even before the end of the president's first year, was an effective power vacuum. The president, in his failure to move beyond daily chaos, had hardly

seized the day. But, as sure as politics, someone would.

In that sense, the Trumpian and Republican future was already moving beyond this White House. There was Bannon, working from the outside and trying to take over the Trump movement. There was the Republican leadership in Congress, trying to stymie Trumpism—if not slay it. There was John McCain, doing his best to embarrass it. There was the special counsel's office, pursuing the president and many of those around him.

The stakes were very clear to Bannon. Haley, quite an un-Trumpian figure, but by far the closest of any of his cabinet members to him, might, with clever political wiles, entice Trump to hand her the Trumpian revolution. Indeed, fearing Haley's hold on the president, Bannon's side had—the very morning that Bannon had stood on the steps of the Breitbart town house in the unseasonable October weather—gone into overdrive to push the CIA's Mike Pompeo for State after Tillerson's departure.

This was all part of the next stage of Trumpism—to protect it from Trump.

* * *

General Kelly was conscientiously and grimly trying to purge the West Wing chaos. He had begun by compartmentalizing the sources and nature of the chaos. The overriding source, of course, was the president's own eruptions, which Kelly could not control and had resigned himself to accepting. As for the ancillary chaos, much of it had been calmed by the elimination of Bannon, Priebus, Scaramucci, and Spicer, with the effect of making it quite a Jarvanka-controlled West Wing.

Now, nine months in, the administration faced the additional problem that it was very hard to hire anyone of stature to replace the senior people who had departed. And the stature of those who remained seemed to be more diminutive by the week.

Hope Hicks, at twenty-eight, and Stephen Miller, at thirty-two, both of whom had begun as effective interns on the campaign, were now among the seniormost figures in the White House. Hicks had assumed command of the communications operation, and Miller had effectively replaced Bannon as the senior political strategist.

After the Scaramucci fiasco, and the realization that the position of communications director would be vastly harder to fill, Hicks was assigned the job as the "interim" director. She was given the interim title partly because it seemed implausible that she was qualified to run an already battered messaging operation, and partly because if she *was* given the permanent job everyone would assume that the president was effectively calling the daily shots. But by the middle of September, interim was quietly converted to permanent.

In the larger media and political world, Miller—who Bannon referred to as "my typist"—was a figure of ever increasing incredulity. He could hardly be taken out in public without engaging in some screwball, if not screeching, fit of denunciation and grievance.

He was the de facto crafter of policy and speeches, and yet up until now he had largely only taken dictation.

Most problematic of all, Hicks and Miller, along with everyone on the Jarvanka side, were now directly connected to actions involved in the Russian investigation or efforts to spin it, deflect it, or, indeed, cover it up. Miller and Hicks had drafted—or at least typed—Kushner's version of the first letter written at Bedminster to fire Comey. Hicks had joined with Kushner and his wife to draft on Air Force One the Trump-directed press release about Don Jr. and Kushner's meeting with the Russians in Trump Tower.

In its way, this had become the defining issue for the White House staff: who had been in what inopportune room. And even beyond the general chaos, the constant legal danger formed part of the high barrier to getting people to come work in the West Wing.

Kushner and his wife—now largely regarded as a time bomb inside the White House—were spending considerable time on their own defense and battling a sense of mounting paranoia, not least about what members of the senior staff who had already exited the West Wing might now say about them. Kushner, in the middle of October, would, curiously, add to his legal team Charles Harder, the libel lawyer who had defended both Hulk Hogan in his libel suit against Gawker, the Internet gossip site, and Melania Trump in her suit against the *Daily Mail*. The implied threat to media and to critics was clear. Talk about Jared Kushner at your peril. It also likely meant that Donald Trump was yet managing the White House's legal defense, slotting in his favorite "tough guy" lawyers.

Beyond Donald Trump's own daily antics, here was the consuming issue of the White House: the ongoing investigation directed by Robert Mueller. The father, the daughter, the son-in-law, his father, the extended family exposure, the prosecutor, the retainers looking to save their own skins, the staffers who Trump had rewarded with the back of his hand—it all threatened, in Bannon's view, to make Shakespeare look like Dr. Seuss.

Everyone waited for the dominoes to fall, and to see how the president, in his fury, might react and change the game again.

* * *

Steve Bannon was telling people he thought there was a 33.3 percent chance that the Mueller investigation would lead to the impeachment of the president, a 33.3 percent chance that Trump would resign, perhaps in the wake of a threat by the cabinet to act on the Twenty-Fifth Amendment (by which the cabinet can remove the president in the event of his incapacitation), and a 33.3 percent chance that he would limp to the end of his term. In any event, there would certainly not be a second term, or even an attempt at one.

"He's not going to make it," said Bannon at the Breitbart Embassy. "He's lost his stuff."

Less volubly, Bannon was telling people something else: he, Steve Bannon, was going

to run for president in 2020. The locution, "If I were president …" was turning into, "When I am president …"

The top Trump donors from 2016 were in his camp, Bannon claimed: Sheldon Adelson, the Mercers, Bernie Marcus, and Peter Thiel. In short order, and as though he had been preparing for this move for some time, Bannon had left the White House and quickly thrown together a rump campaign organization. The heretofore behind-the-scenes Bannon was methodically meeting with every conservative leader in the country—doing his best, as he put it, to "kiss the ass and pay homage to all the gray-beards." And he was keynoting a list of must-attend conservative events.

"Why is Steve speaking? I didn't know he spoke," the president remarked with puzzlement and rising worry to aides.

Trump had been upstaged in other ways as well. He had been scheduled for a major *60 Minutes* interview in September, but this was abruptly canceled after Bannon's *60 Minutes* interview with Charlie Rose on September 11. The president's advisers felt he shouldn't put himself in a position where he would be compared with Bannon. The worry among staffers—all of them concerned that Trump's rambling and his alarming repetitions (the same sentences delivered with the same expressions minutes apart) had significantly increased, and that his ability to stay focused, never great, had notably declined—was that he was likely to suffer by such a comparison. Instead, the interview with Trump was offered to Sean Hannity—with a preview of the questions.

Bannon was also taking the Breitbart opposition research group—the same forensic accountant types who had put together the damning *Clinton Cash* revelations—and focusing it on what he characterized as the "political elites." This was a catchall list of enemies that included as many Republicans as Democrats.

Most of all, Bannon was focused on fielding candidates for 2018. While the president had repeatedly threatened to support primary challenges against his enemies, in the end, with his aggressive head start, it was Bannon who would be leading these challenges. It was Bannon spreading fear in the Republican Party, not Trump. Indeed, Bannon was willing to pick outré if not whacky candidates—including former Staten Island congressman Michael Grimm, who had done a stint in federal prison—to demonstrate, as he had demonstrated with Trump, the scale, artfulness, and menace of Bannon-style politics. Although the Republicans in the 2018 congressional races were looking, according to Bannon's numbers, at a 15-point deficit, it was Bannon's belief that the more extreme the right-wing challenge appeared, the more likely the Democrats would field left-wing nutters even less electable than right-wing nutters. The disruption had just begun.

Trump, in Bannon's view, was a chapter, or even a detour, in the Trump revolution, which had always been about weaknesses in the two major parties. The Trump presidency

—however long it lasted—had created the opening that would provide the true outsiders their opportunity. Trump was just the beginning.

Standing on the Breitbart steps that October morning, Bannon smiled and said: “It’s going to be wild as shit.”

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ABOUT THE AUTHOR

MICHAEL WOLFF has received numerous awards for his work, including two National Magazine Awards. He has been a regular columnist for *Vanity Fair, New York, The Hollywood Reporter*, British *GQ, USA Today*, and *The Guardian*. He is the author of six prior books, including the bestselling *Burn Rate* and *The Man Who Owns the News*. He lives in Manhattan and has four children.

From: Steven Sinofsky [redacted]
Sent: 2/21/2018 5:48:07 PM
To: Jeffrey Epstein [jeevacation@gmail.com]
Subject: Fwd: Pro Rata: Wednesday, February 21
Attachments: image1.png

Importance: High

Excerpt from below...

> **Same old story:** Yesterday, I grabbed coffee with Day One Ventures founder Masha Drokova, and heard a familiar—and still disappointing—story: While raising her fund, she was told by prospective investors that she should get a male co-founder.
>
> - She initially considered the suggestion, she told me, before remembering it's rooted in sexism.

Begin forwarded message:

From: Kia Kokalitcheva <[redacted]>
Date: February 21, 2018 at 7:32:17 AM PST
To: [redacted]
Subject: Pro Rata: Wednesday, February 21

View in browser

Pro Rata

By Kia Kokalitcheva ·Feb 21, 2018

Welcome back, readers. Once again, a reminder to send me your delicious scoops and tips at kia@axios.com or find me on Twitter at @imkialikethecar.

Hot event alert: RSVP to our 2/26 event in NYC for interviews with NBA star Draymond Green, BBG Ventures' Susan Lyne, JPMorgan's Jennifer Piepszak, and Equinox CEO Harvey Spevak.

Top of the Morning

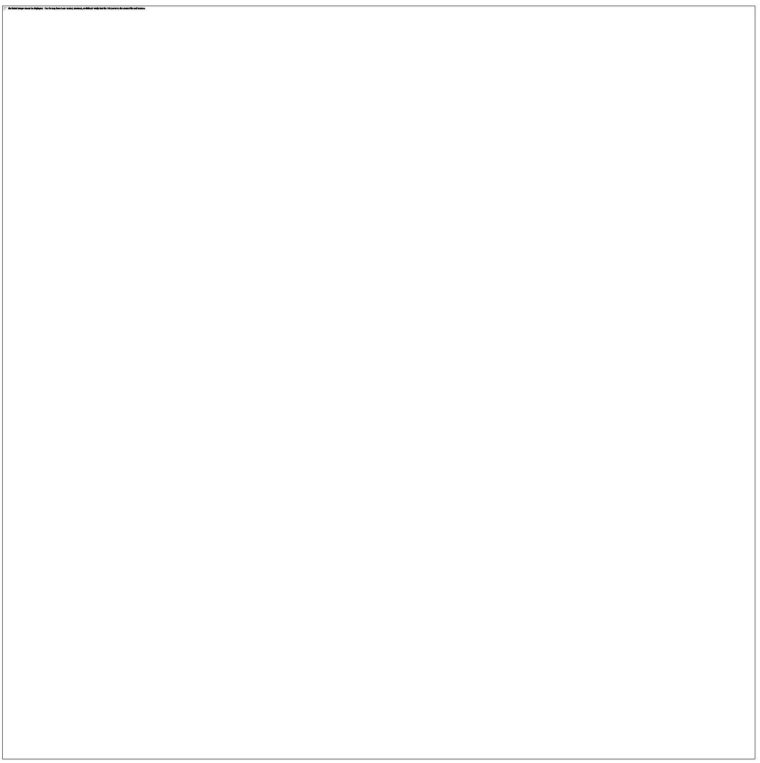


Illustration: Rebecca Zisser / Axios

AT&T's proposed $85 billion purchase of Time Warner took another turn yesterday. A federal judge hearing the Justice Department's lawsuit to block the deal denied a request by the telecom giant to disclose communications between Justice Department officials, including Attorney General Jeff Sessions, and the White House about the deal.

- **Why it matters:** The ruling is a blow to AT&T's attempt to show that the lawsuit to block the deal is politically motivated by President Trump's antipathy for CNN, which Time Warner owns. AT&T says it wasn't asked to offload any assets as part of the deal until after Trump took office.
- **What they're saying:** "We respect the judge's decision and look forward to the upcoming trial," said Dan Petrocelli, who is leading AT&T and Time Warner's defense in the case, in a statement.
- **At a hearing on Friday,** a Justice Department lawyer said that AT&T's argument for the documents "didn't make sense."
- **Go deeper:** Our report from the courtroom on Friday, when DOJ and AT&T presented their arguments.

Fund scoop: Niv Dror, who joined AngelList through its acquisition of Product Hunt in 2016, is raising a small early-stage fund focused on consumer products, multiple sources tell Axios. Dror declined to comment.

- The fund will raise at least $1 million, though one source says it could go up to $2-3 million.
- Like Product Hunt colleague Ryan Hoover's own VC fund, Dror's will be managed on the back-end by AngelList.

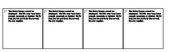
Same old story: Yesterday, I grabbed coffee with Day One Ventures founder Masha Drokova, and heard a familiar—and still disappointing—story: While raising her fund, she was told by prospective investors that she should get a male co-founder.

- She initially considered the suggestion, she told me, before remembering it's rooted in sexism.

Softbank $$$: Softbank's Vision Fund is in early talks to raise additional funds from Bahrain's sovereign wealth fund, Mumtalakat, the latter's CEO told Reuters.

- The Persian Gulf has been a major source of funds for the Vision Fund: Public Investment Fund, Saudi Arabia's main sovereign wealth fund, and Abu Dhabi's Mubadala, are already investors.
- And it's not the only one visiting the region's investors—funds focused on tokens and cryptocurrencies have also been fundraising in the area, I'm told.

Unicorn stampede: We're not even two months into 2018 and yet, seven startups have already seen their private valuations cross the $1 billion mark—earning "unicorn" status—according to Pitchbook. Last year: 53. The word "overvalued" comes to mind...

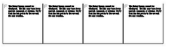


The BFD

Photo: George Rose/Getty Images

Broadcom has adjusted its takeover offer for Qualcomm to $79 per share, down from the its “best and final” bid of $82. The move is a response to Qualcomm's announcement yesterday it would pay $127.50 a share for NXP, up from the $110 it had offered.

- **Why it's the BFD:** Broadcom and Qualcomm's takeover dance has taken a dramatic turn for what should have been a boring transaction between two chip companies.
- **Bottom line:** "Broadcom has long said its acquisition of the San Diego-based chipmaker is contingent on Qualcomm buying NXP at the previously agreed price, saving a large amount of cash Broadcom could hypothetically use for its own purposes once the acquisition goes through... Qualcomm raised its NXP bid to secure support from activist investors who have piled into NXP and demanded a higher sale price." — Bloomberg.



Venture Capital Deals

• **Moovit**, an Israeli maker of a transportation app, has raised $50 million in Series D funding led by **Intel Capital**, with participation from Sequoia, BMW iVentures, NGP, Sound Ventures, BRM, Gemini, Vaizra, Vintage, and Hanaco. http://axios.link/fQSW

• **Vectra**, a San Jose, Calif.-based cybersecurity startup, has raised $36 million in Series D funding led by **Atlantic Bridge**, with participation from the Ireland Strategic Investment Fund, Nissho Electronics Corp., Khosla Ventures, Accel Partners, IA Ventures, AME Cloud Ventures, DAG Ventures and Wipro Ventures. www.vectra.ai

• **FourKites**, a Chicago-based make of supply chain management software, has raised $35 million in Series B funding. **August Capital** led the round, with participation from Bain Capital Ventures and Hyde Park Venture Partners. http://axios.link/7XWI

• **DecaWave**, an Irish fabless semiconductor company, has raised $30 million in funding led by **Atlantic Bridge Ventures**, with participation from the China Ireland Growth Technology Fund, ACT Venture Capital, and ZZ Ventures.

• **Kidaptiv**, a Mountain View, Calif.-based maker of adaptive learning software, has raised $19.1 million in Series C funding led by **Formation 8** and Korean education company **Woongjin ThinkBig**. http://axios.link/Fuut

• **Prophesee**, a Paris-based machine vision startup, has raised $19 million in Series B funding led by an undisclosed investor, with participation from 360 Capital Partners, Supernova Invest, iBionext, Intel Capital, Renault Group, and Robert Bosch Venture Capital, according to Tech.eu. http://axios.link/QAyn

• **Greenlight Financial Technology**, an Atlanta-based maker of a smart debit card for kids, teens, and college students, has raised $16 million in Series A funding led by TTV Capital with participation from New Enterprise Associates, Relay Ventures, SunTrust Bank, Ally Financial, nbkc bank, Canapi, and the Amazon Alexa Fund. www.greenlightcard.com

• **Zagster**, a Cambridge, Mass.-based bike-share service, has raised $15 million in new funding led by **Edison Capital Partners**. www.zagster.com

• **Morphisec**, and Israel-based cybersecurity startup, has raised $12 million in Series B funding from Orange Digital Ventures, Jerusalem Venture Partners, General Electric, and Deutsche Telekom. www.morphisec.com

• **Tunity**, a New York-based live audio service for television content, has raised $12 million in Series A funding. Investors include former Morgan Stanley CEO John Mack and WeWork CEO Adam Neumann. www.tunity.com

• **Fever Labs**, a New York-based maker of an event discovery app, has raised $11.7 million in new funding, according to an SEC filing. www.feverup.com

• **Gabi**, a San Francisco-based insurance shopping services, has raised $9.5 million in Series A funding led by **Canvas Ventures**, with participation from Correlation Ventures, Northwestern Mutual Future Ventures, Securian Ventures, A.Capital Ventures and Project A. www.gabi.com

• **Dover Microsystems**, a Waltham, Mass.-based cybersecurity company, has raised $6 million in seed funding. **Hyperplane Venture Capital** led the round with participation from **Draper, Qualcomm Ventures** and the **Hub Angels Investment Group.** www.dovermicrosystems.com

• **Anyfin**, a Stockholm-based loan refinancing startup, has raised $5.9 million (€4.8 million) in Series A funding led by **Accel** and **Northzone**, with participation from Global Founders Capital and angel investors. http://axios.link/IpTj

• **Thirdpresence**, a Helsinkin-based A.I. programmatic video advertising company, has raised $2.4 million in seed funding from Inventure, Tesi, and existing investors. www.thirdpresence.com

Private Equity Deals

• **Rhone Capital** agreed to buy **Fogo de Chão** (NASDAQ: FOGO), a Dallas-based Brazilian steakhouse chain, in a deal valued at $560 million. Credit Suisse and Wells Fargo Bank, National Association provided financing. www.fogodechao.com

• **Behrman Capital** has acquired **Corfin Industries**, a Salem, N.H.-based provider of microelectronic component preparation services. www.corfin.com

• **Water Street Healthcare Partners** and **JLL Partners** have agreed to acquire **Dohmen Life Science Services**, a Milwaukee-based provider of operations services to biopharma and medical device companies, from The Dohmen Company. www.dlss.com

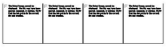
• **PWP Growth Equity** and **RedHawk Investment** have invested an undisclosed amount into **360Training**, an Austin, Texas-based provider of online training courses for regulated industries. www.360training.com

• **Orient Hontai Capital**, a Chinese private equity firm, has agreed to buy a 53.5% stake in **Imagina Media Audiovisual**, a Spanish media company, valuing the target company at an enterprise value of €1.9 billion (US$2.34 billion). http://axios.link/CN5I

• **Leeds Equity Partners** is investing in **Endeavor Schools**, a Miami-based owner and operator of 37 private K-12 schools in the U.S. www.endeavorschools.com

• **Cathay Capital MidCap Fund** is buying a majority of stake in **E. WINKEMANN**, a German auto supplier. Financial terms weren't announced.

Equistone Partners Europe will retain a stake along with company management. www.winkemann.de



Public Offerings

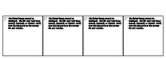
• **Deutsche Bank** (NYSE: DB) plans to debut an IPO of its asset-management arm, DWS, for Monday next week, according to Reuters. It could list on the Frankfurt exchange as early as March 19. Deutsche Bank is planning to offer 25% of existing DWS shares for an expected 1.5 billion to €2 billion ($1.85 billion to $2.47 billion). http://axios.link/KNnd

• **Opes Acquisition**, a Mexico-based blank check company formed by Axis Capital Management to acquire a Mexican business, has filed for an $100 million IPO. It will offer 10 million units at a price of $10. At that price, Opes Acquisition would command a market value of $129 million. Each unit consists of one share of common stock and one warrant exercisable at $11.50. It plans to list on the Nasdaq under the symbol OPESU, with EarlyBirdCapital is the sole bookrunner on the deal. www.axiscapital.com.mx/eng

• **Tiberius Acquisition**, a Metairie, La.-based blank check company formed to acquire a middle-market insurance business, filed for a $150 million IPO. It will offer 15 million units at a price of $10. At that price, Tiberius Acquisition would command a market value of $188 million. Each unit consists of one share of common stock and one warrant to purchase one share of common stock. It plans to list on the Nasdaq under the symbol TIBRU, with Cantor Fitzgerald and Dowling & Partners are the joint bookrunners on the deal.

Liquidity Events

• **Xerox Corp** shareholders Carl Icahn and Darwin Deason said Tuesday that the company should sell itself to one of its rivals or a private equity firm, opposing a potential deal with Fujifilm, according to Reuters. http://axios.link/jtPN



More M&A

• **S&P Global** (NYSE: SPGI)**,** a provider or markets data and analytics, has agreed to set to acquire **Panjiva**, a New York-based provider of supply chain data. www.panjiva.com

• **The Adecco Group**, a Swiss human resources services firm, has acquired **Vettery**, a New York-based recruiting startup, for just over $100 million, according to TechCrunch. http://axios.link/hBcz

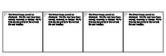
• **Oracle** has acquired **Zenedge**, an Aventura, Fla.-based cybersecurity solutions provider. www.zenedge.com

• **Bosch** has acquired **Splitting Fares**, a Detroit-based startup that provides ride-sharing platforms. www.splt.io

Fundraising

• **EQT** is seeking 10.75 billion euros ($13.2 billion) for a new buyout fund, according to the Financial Times.

• **TechOperators Venture Capital**, an Atlanta-based venture capital firm, has raised $40.2 million toward a $100 million third venture fund, according to an SEC filing. www.techoperators.com

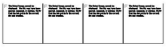


It's Personnel

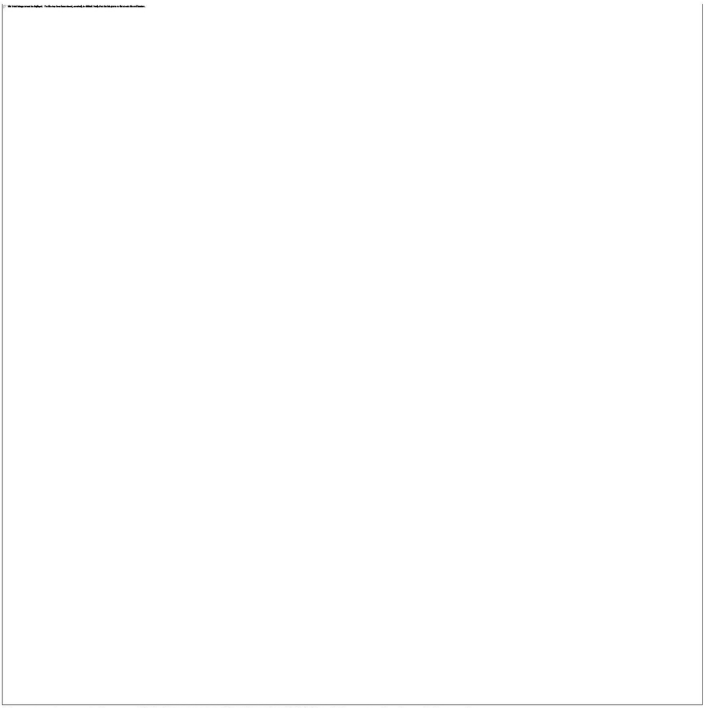
• **Amy Errett** has joined **True Ventures** as a venture partner. Erret will remain CEO of Madison Reed, a San Francisco-based hair color company. http://axios.link/r9h8

• **Jeff Schumacher** is stepping down as CEO of **BCG Digital Ventures** and will become non-executive chairman of the firm. www.bcgdv.com

• **Nicholas Leiby** has joined **Weinberg Capital Group** as director. He was previously vice president at Resilience Capital Partners. www.weinbergcap.com



Final Numbers



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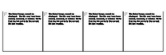

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THE SNOWDEN AFFAIR

A Spy Story in Six Parts

By Edward Jay Epstein

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End Notes

Bibiography [TK]

Chronology 1: Snowden Thriller:

From Honolulu to Moscow in 82 Days.

April 8, 2013, Honolulu. Edward Snowden begins working as an infrastructure-analyst in training at the National Threat Operations Center for outside contractor Booz Allen Hamilton.

June 5, 2013, London The Guardian publishes a classified document revealing that the National Security Agency has secretly been gathering the telephone billing records of millions of American. The Washington Post then publishing other secret documents revealing that the NSA has been intercepting data from the Internet.

June 9, 2013, Hong Kong. In a 12-minute long video posted on the website of the Guardian, Edward Snowden reveals himself as the source for the document published by the Guardian and the Washington Post

June 11 Hong Kong. Sarah Harrison arrives in Hong Kong to work behind-the-scenes to assist Snowden.

June 14, 2013, Washington D.C. Federal prosecutors in the Eastern District of Virginia, file a three-count criminal complaint against Snowden charging him with theft of government documents, unauthorized communication of national defense information and the willful communication of classified communications intelligence information to an unauthorized person.

June 23, 2013, Moscow. Snowden arrived from Hong Kong at Sheremetyevo International Airport.

PROLOGUE

On The Snowden Trail: Hong Kong 2014

The National Security Agency, or, as it now commonly called, the NSA, was created on October 24, 1952, in such a tight cocoon of secrecy that even the Presidential order creating it was classified "Top Secret." When journalists asked questions about this new agency, Washington officials jokingly told them that the initials NSA stood for "No Such Agency." The reason for this extraordinary stealth is that the NSA is involved in a very sensitive enterprise. Its job is to intercept, decode and analyze foreign electronic communications transmitted around the globe over from copper wires, fiber optic cable, satellite, microwave relays, cell phone towers, wireless transmissions and the Internet for intelligence purposes. In intelligence jargon, its product is called COMINT. This form of intelligence-gathering is particularly effective when the NSA's targets are unaware of the state-of-the-art tools the NSA uses to break into their computers and telecommunications and decipher their enciphered messages.

In the first week of June in 2013, the NSA learned that a huge number of its most secret files had been stolen. The suspect was Edward Snowden, a 29 year old civilian analyst at the NSA's regional base in Oahu, Hawaii, who had fled to Hong Kong. The stolen documents revealed, among other things, the secret tools and capabilities that the NSA employed to do its job. According to a three-count criminal complaint filed by Federal prosecutors in the Eastern District of Virginia, Snowden had stolen government documents and violated the Espionage Act by the unauthorized and willful communication of national defense information to an unauthorized person.

This was not a who-dunn-it mystery. On June 9th, 2013, in an extraordinary 12-minute video made in a cramped hotel room in Hong Kong, Snowden identified himself as the person who had taken the NSA documents. Watching the video, the world saw a shy, awkward and sympathetic-looking, man wearing a rumpled shirt, rimless glasses and a computer geek-style haircut, passionately speaking out against the NSA's violations of the law and, in a shaky voice, expressing his willingness to expose them.

Snowden had an innocent, idealistic, principled look about him, and the world was ready to congratulate him for revealing the NSA's illegal collection of data inside the United States. But in fact, he stole a great deal more than documents relating to domestic surveillance. He had also stolen secret documents from the NSA revealing the sources and methods it employed in its monitoring of foreign adversaries.

What made this theft even more extraordinary was that he got away with it. By the time it had been discovered in the first week of June 2013, it was not possible for the FBI, the Grand Jury or any other US agency to question him because he had fled the country. He went first to Hong Kong. Although it is economically autonomous, the city of 7.2 million is actually a special

administrative zone of China, whose national security apparatus is ultimately controlled by Beijing. Making the possibility of questioning him even more remote, he next went to Russia, a country which has no extradition treaty with the United States. And Russia granted him asylum. His escape left in its wake an incredibly-important unsolved mystery: how did a young analyst at the NSA succeeded in penetrating all the layers of NSA security to pull off the largest theft of secret documents in the history of American intelligence? Did he act alone? What happened to documents? Was his arrival in Russia part of the plan?

As I had written several books on the vulnerability of intelligence services, this was a mystery-- a "how-dunnit" if you like-- that immediately intrigued me. After all, even if the perpetrator had acted for the most salutary of reasons, the unauthorized transfer of state secrets to another country is, by any definition, a form of espionage.

I decided to begin my investigation of this case in Hong Kong because it was the place to which Snowden first fled after leaving Hawaii. Snowden had planned the trip for at least 4 weeks, according to the travel plan he had filed at the NSA, I assumed he had a good reason for going first to Hong Kong. But when I spoke to my sources in the intelligence community, they could not explain Snowden's choice of this semi-autonomous zone in China as his initial destination. It would not protect him from the reach of US law since Hong Kong had an active extradition treaty with the United States. Just a few months earlier, Hong Kong had made headlines by extraditing Trent Martin, a fugitive wanted in America for insider-trading, who was arrested in Hong Kong following an American request to detain him. Martin was then sent back to the United States to stand trial.

Nor was Hong Kong particularly convenient to Hawaii. There were no non-stop flights to it from Honolulu. Snowden's flight took 8 hours and ten minutes just to Narita airport, Japan, where he had to change planes. After a three hour wait at the airport, it took him five more hours to fly to Hong Kong. Moreover, at the time he departed Honolulu, Snowden had not yet arranged for any journalists to meet him in Hong Kong and, as far as US intelligence could determine, he had no known appointments there. Even so, Snowden carried the digital copies he had made of the top-secret NSA documents to Hong Kong. General Michael Hayden, who served both as the head of the NSA and the CIA, told me. "It's very mysterious why Snowden chose Hong Kong." Whatever reason he had for flying to Hong Kong, we can assume it was compelling enough for him to take the risk that he would be arrested there after US authorities discovered the theft and invoked the detention provision of its extradition treaty with Hong Kong. It was possible that Snowden travelled there to see someone other than a journalist. But who?

Using my frequent travel miles, I bought a ticket on Japan Air Lines to Hong Kong. The route, like that of Snowden's route the previous year, had a stop-over in Narita Airport in Japan (where, according to an intelligence source, Snowden was caught on the CCTV cameras waiting in the transit lounge for his connection to the four and one half flight to Hong Kong).

I arrived in Hong Kong on May 20th 2014– the same day that Snowden had arrived there the previous year. I checked into the five-star Mira Hotel. It was in the Tsim Sha Tsui shopping district of Kowloon, a 10-minute ferry ride away from Hong Kong island, where most of the foreign consulates are located.

I chose the Mira because it was the hotel in which Snowden stayed and made the celebrated video admitting his role in taking the NSA documents. I asked at the front desk for room 1014, the same one that Snowden had occupied in 2013. Snowden had told the journalists from the *Guardian* that that he had been at Mira Hotel since he first arrived in Hong Kong on May 20th until he left on June 10th. My motive in taking the room during that period was not journalistic nostalgia; I wanted access to the hotel's service and security personnel who may have had contact with Snowden a year earlier. Unfortunately, that room was occupied. Even so, I was given a nearby room that served my purpose. The rate was $330 a day with taxes, although I received a journalist's discount of 30 percent.

My first surprise was that Snowden had not arrived at the Mira until 11 days after he arrived in Hong Kong. He told the *Guardian* reporters that he hid out at the Mira hotel since his arrival because he feared that he might be captured by the CIA. But, as I learned from the hotel staff, Snowden had actually registered there under his real name and used his own passport and credit card to secure the room. Even more surprising was the date he checked into the Mira Hotel. It was not May 20th but June 1, 2013. Since he checked out on June 10, 2013, he was there for only nine days.

The question that could not be answered by the registry of the Mira Hotel was: where was Snowden staying for the eleven days between from May 20th to June 1? Wherever he was, he apparently considered himself safe enough to take another irrevocable step in his defection. He sent journalist Glenn Greenwald of the *Guardian* a "welcome package," as he called it, of 20 top-secret NSA documents on May 25, 2013. He had now not only downloaded documents but, in a violation of his oath, he provided them to an unauthorized party. He also in Hong Kong, for the first time, directly contacted via email Barton Gellman of the *Washington Post.* Indeed, it was during these first 11 days during which he was staying someplace other than the place he claimed to be staying that he made almost all the arrangements for his journalistic event. He was also apparently in contact with at least one foreign mission during this period, according to what he written to Gellman on May 25th. In that email concerning when and how his story was to be published by the *Washington Post,* Snowden even asked Gellman to include in it some text that would help him with this mission. But which country was he approaching? Clearly his whereabouts during these missing 11 days was a gap that needed to be filled in. It could shed light on why he came to Hong Kong.

I next called Keith Bradsher, a prize-winning journalist who had been the *New York Times* bureau chief in Hong Kong in 2013, who had written a well-researched report about Snowden's

arrival in Hong Kong in 2013.. He proposed we meet at the Foreign Correspondent's Club on top of Ice House Street in central Hong Kong, a venue, I recalled, reminiscent of where John LeCarre had set the opening chapter of his spy novel *The Honourable Schoolboy*. When we spoke later, Bradsher told me that he knew Albert Ho, who had been retained as Snowden's lawyer, for more than a decade, and interviewed him many times as he was a leader of a political movement in Hong Kong. Bradsher said that a few days after Snowden had revealed himself on June 9th, 2013, he met with Ho and questioned him on the very question that intrigued me about Snowden's unknown whereabouts. Ho told Bradsher that all of Snowden's logistics had been arranged for him by an intermediary, who Ho called a "carer." Ho further said that Snowden had been in contact with the "carer" prior to his arrival in Hong Kong on May 20th. According to Ho, it was this person who had arranged accommodations for Snowden on his arrival—and afterwards. If so, it seemed plausible to me that this person might be able to shed light on whom, if anyone, Snowden saw in his first ii days in Hong Kong. Of course, this person may have been unaware of the reasons for Snowden's escape to Hong Kong when he made the arrangements for him but he was the best lead I had to learning why Snowden had come to Hong Kong. But who was the "carer?" Bradsher told me that he pressed Ho for details about this mystery person over the course of several meeting but Ho would not identify him beyond saying, that he was a "well-connected "resident" of Hong Kong.

I next called Ho's law office in Hong Kong. But Ho politely declined to be interviewed by me, saying he had said all he was going to say about the Snowden case. I next made an appointment with Robert Tibbo, a Canadian-born barrister, specializing in civil liberties cases, who had worked closely with Ho on the Snowden case. He immediately agreed to see me.

I met Tibbo in the tea room at the Mandarin Oriental hotel on Hong Kong Island, where I moved to from the Mira hotel. The Mandarin was also convenient to Tibbo's office at the court.

Tibbo was a tall, round-faced man, with thinning hair, in his early fifties. He talked freely about his remarkable career. After earning a degree in chemical engineering from McGill University, and working in Asia as an engineer for a decade, he went to law school in New Zealand, and then became a barrister in Hong Kong specializing in cases involving the legal status of refugees. Over a leisurely tea, Tibbo made it clear to me that he had played a far more active role than Ho in the Snowden case, even personally escorting Snowden from the Mira Hotel on June 10th to a safe house. He did not dispute what Ho had told Bradsher, but said that he was himself bound by lawyer-client privilege which prevented him from providing me with any details that might reveal the identity of the person who had made arrangements for Snowden. When I asked the date that he was officially retained by Snowden, he said that Snowden had signed an agreement hiring Ho's law firm as his legal adviser on June 10, 2013 (which was a matter of public record.) "I understand that," I said, "but I am inquiring about something that had happened before you became his legal adviser." He shook his head, as if getting rid of a pesky fly, and said that his oath precluded him saying anything at all that might do damage to the credibility

of his client. "Not even where he was staying in May in Hong Kong," I persisted. He leaned forward and, after a brief hesitation, said, jokingly I assumed that he would not divulge that information "even if you held a gun to my head." We met two more times but, true to his word, Tibbo would not say if he even knew the identity of the "carer."

Meanwhile, Joyce Xu, a very resourceful Chinese journalist who was assisting me in Hong Kong, had filed the equivalent of a Freedom of Information request with the Hong Kong Security Bureau asking for information about Snowden's movements in May. Thomas Ng, the Secretary for Security, turned down the request, adding that Hong Kong authorities do not keep records of hotel registrations. So I ran into a dead end on the issue of Snowden's "carer" and his whereabouts for those eleven crucial days with the Hong Kong authorities.

At this point, I had some much-needed help from an old friend on the White House staff. Before I had left New York, I asked him if he could find someone at the consulate in Hong Kong who might brief me on the Snowden case. I didn't hear from him until just a few days before I was due to return to New York. He had managed to put me in touch with a former employee of the consulate, who he said was "fully informed" about the efforts of the US mission to locate Snowden in Hong Kong. This person was still living in Hong Kong and he agreed to meet with me on condition that I did not mention either his name or his position in the US mission in Hong Kong. The venue was the terrace lounge of the American Club in Exchange Square in central Hong Kong, a posh club mainly for expatriate Americans. It was on the 48th floor with a spectacular view of Victoria Harbor. Once there, I had no problem finding my source. He was, as he had described himself, a large man with short-cropped brown hair wearing a brightly-striped tie. He was sitting alone at a discreet table in the corner. I introduced myself and gave him a copy of my latest book, *The Annals of Unsolved Crime*.

After ordering drinks, he told me in a soft voice about the American reaction to Snowden's revelations in Hong Kong. "All hell broke loose," he said, describing the atmosphere at the US mission after Snowden's video was posted on the *Guardian's* website on June 9th, 2013. To break the ice, I went over some of the assertions Snowden had made concerning the US consulate in that extraordinary video. For example, Snowden had said that he could be seized at any moment by a CIA rendition team based at the US consulate "just down the road" from the Mira Hotel. "Was that true," I asked? He rolled his eyes, and said, "Snowden has a pretty wild imagination. For one thing, the US consulate is not down the road from the Mira in Kowloon, it is here on Hong Kong Island. And there was no CIA rendition team in Hong Kong."

My next question concerned a second period during which Snowden's whereabouts are unknown—the period between the time he left the Mira Hotel on June 10, 2013 and the day he left Hong Kong for Russia on June 23, 2013. When I asked my consulate source whether the US mission took any action to track Snowden during these 13 days, he explained that the FBI had a contingent of "legal attaches" based at the consulate to pursue, among other things, video pirates. In addition, the CIA and the Defense Intelligence Agency had a handful of "China-watchers" in

Hong Kong. This group constituted the intelligence "mission," as he referred to it. After Snowden outed himself on the Internet, the mission began tracking Snowden's movements. Since Snowden, his lawyers and the journalists in his entourage frequently used their cell phones to text one another, it was fairly easy for the mission to follow Snowden's trail after he left the Mira hotel. Presumably, the Hong Kong Police also knew where he was during this period. My source further suspected that the massive Chinese intelligence contingent in Hong Kong also knew, since it had close relations with the Hong Kong police. If so, Snowden's whereabouts as he moved every few days from apartment to apartment was no secret anyone but the public from June 10th to June 23rd. "Of course we knew," he said, adding that there were also photographs of Snowden entering the office building that housed the Russian consulate. I mentioned that there was a report in a Russian newspaper that Snowden had visited the Russian consulate in late June in connection with the flight he later took to Moscow. "All we know is he entered the building," he answered, with a shrug. That visit did not come as a complete surprise to US intelligence. After Snowden left the Mira, his interactions with the Russian and Chinese intelligence services in Hong Kong also had been closely monitored by the "secret means," as was subsequently confirmed to me a former top intelligence executive in Washington DC. All of Snowden's stealth in exiting from the Mira hotel, which included wearing a baseball cap and dark glasses, was ineffective in hiding him from US intelligence and presumably other intelligence services seeking the treasure trove of documents he had taken from the NSA. Among other things, the Hong Kong lawyers moving him to a safe house were carrying easily traceable cell phones.

The mystery that most concerned me was, however, not where Snowden was housed in the interim between when he went public and when he went to Moscow. It was where, and in whose care, Snowden had been *before*, he had checked into the Mira hotel on June 1st. When I asked him about this period, he said that as far as he knew neither the FBI nor the Hong Kong police could find a trace of him during the period between May 20th, when he passed through Hong Kong customs, and June 1st, when he used his credit card and passport to check into the Mira hotel. They could not find any credit card charges, ATM withdrawals, telephone calls, hotel registrations, subway pass purchases or other clues to Snowden's activities. As far as a paper trail was concerned, Snowden was a ghost during this period. Could an American just vanish in Hong Kong for eleven days, I asked"? "Apparently he did just that," my source replied.

Snowden's whereabouts during these 11 days was not a mystery I was going to solve on this first trip to Hong Kong. I needed to know more about Snowden's activities before he flew to Hong Kong. After all, Snowden was not, as he himself pointed out from Moscow, an "angel descending from the heavens." He had a past working for the US government that extended back seven years. During that period, he had been part of America's secret intelligence regime, and held a clearance for Sensitive Compartmented Information, or SCI. Such SCI material is considered so sensitive that it must be handled within formal access control systems established by the Director of National Intelligence.

Nor did Snowden's breach begin with him handing over classified documents to the *Guardian* reporters in Hong Kong in June 2013 or, for that matter, in the eleven days prior to his meeting with journalists in 2013. He had, as the NSA quickly determined begun illicitly copying documents in the late summer of 2012. Such an enterprise does not emerge from thin air. Even if he had managed to elude American intelligence from late May to early June 2013, he could not hide all the history that led to his decision to come to Hong Kong. There had to be an envelope of reality surrounding it, including Snowden's motivation, associates, movements, finances, and his activities prior to his fleeing to Hong Kong. What was missing was not just Snowden's first 11 days in Hong Kong but the entire context of the alleged crime. I now needed to fill in that envelope of reality in America. I left Hong Kong for New York on June 2, 2014 two days after my meeting with the former official of the consulate.

PART ONE

THE INTELLIGENCE CRISIS

CHAPTER ONE

The Great Divide

"What you've seen so far is just the tip of the iceberg."

-- retired Admiral Michael McConnell, vice chairman of Booz Allen Hamilton

On June 9, 2013, the *Guardian*, the British newspaper known for the quality and gravity of its reporting posted Snowden's 12-minute video on its website. In it, Snowden identified himself as an infrastructure analyst at a regional base of National Security Agency that was located in Oahu, Hawaii. He revealed in a calm, unemotional voice that he had been the source for the stories in both the *Guardian* and the *Washington Post*. He said that he had supplied the secret, classified documents that the two newspapers had used in their scoops about domestic surveillance being conducted by the NSA, America's enormous electronic surveillance agency. These sensational revelations had been, literally, the talk of the world, and now, in another major news event, the boyish-looking Snowden revealed his responsibility for what would turn out to be the largest theft of top-secret documents in the history of U.S. intelligence.

In the video, Snowden was questioned by Glenn Greenwald, an American journalist living in Brazil who had broken the NSA story in the *Guardian*. What was his motive? Greenwald asked. Why did he do it? Snowden replied that he had become horrified by the NSA's secret operations which, to him, represented a kind of distillation of the excesses of the American national security state, and he therefore made it his mission to blow the whistle. He believed that the public needed to be informed of the existence of a vast, secret surveillance operation directed against tens of millions of Americans that flagrantly violated US laws and was a grave threat to their privacy and their freedoms. Within hours of the release of that video on the *Guardian* website, Snowden was one of the most famous people in the world, celebrated by his supporters as a courageous whistle-blower.

The Snowden interview in the video subsequently was expanded by the documentary filmmaker Laura Poitras into the two-hour movie *CitizenFour*, which won the 2015 academy-award for the best documentary. Poitras said in accepting her Oscar in the Academy Awards Theater in Hollywood on February 22nd 2015, that Snowden acted as a whistle-blower not only to "expose a threat to our privacy but to our democracy itself." She received a standing ovation. The film convincingly depicts Snowden as an altruistic young man who is willing to risk his own personal freedom and face years of imprisonment for the sake of others. Adding to the drama, almost all the footage of Snowden in the film is from interviews with him in the confines of Snowden's small

room at the Mira hotel from June 3 to June 9th, 2013, as the event was actually unfolding. Snowden, speaking for the camera, describes himself as a civilian contractor for the National Security Agency. He took full responsibility for the theft of classified documents, saying that he had acted alone. He said that he had been forced to take these documents to expose a crime that threatened the freedom of Americans: the US government's illegal surveillance of US citizens. He said that he had a duty to bring this secret activity to the attention of the American people. "Sitting on his unmade bed—white sheets and covers, white headboard, white bathrobe, white skin—Snowden seems like a figure in some obscure ritual, being readied for sacrifice," George Packer wrote about the film in a widely-read article in *The New Yorker*. He said repeatedly he was willing to make the ultimate sacrifice, by allowing himself to go to prison, so that Americans could live in freedom. A large part of the public, who viewed this powerful film, including many of my colleagues in journalism whose writing I greatly respect, came to accept Snowden's whistle-blowing narrative.

This powerful narrative, as lucidly articulated by Poitras, Greenwald and other Snowden supporters, described the NSA activities exposed by Snowden as part of a vast criminal conspiracy involving, among others, President Obama, James Clapper, the Director of National Intelligence and both Democrat and Republican members of the Congressional oversight committees. It further derided claims that there was evidence that Snowden's theft of NSA secrets went beyond exposing government misdeeds as part of an orchestrated effort to demonize Snowden. The purpose of this demonization was to divert away from the government's crimes. For example, this narrative asserted as if it was established fact, that US government officials had deliberately "trapped" Snowden in Russia. According to Snowden, the purpose of this government ploy was to "demonize" him.

To be sure, it is not unprecedented for the government to release defamatory information about individuals who have embarrassed US intelligence by defecting. When two NSA analysts, William Martin and Bernon Mitchell, defected to Russia in the 1960s and accused the NSA of violating international law after arriving in Moscow, U.S. government officials responded by putting out the story that they were homosexual lovers, which was both untrue and irrelevant to the intelligence secrets that they compromised. So it is certainly possible that the government put out information to intentionally defame Snowden. Secretary of State John Kerry, after all, characterized him as a coward who should "man up" by returning to the United States.

While one can discount such characterizations against him by government officials as demonization, as I do, one cannot as easily dismiss the independent evidence that undermines Snowden assertion that his sole motive was blowing the whistle on illicit surveillance in the United States. For example, by the Lawfare Institute in cooperation with The Brookings Institution in 2014 did an independent analysis of all the published documents that Snowden provided to the media. It concluded that, with some notable exceptions, such as the two documents initially published by the *Guardian* and *Washington Post,* the now famous FISA

warrant and the PRISM slides, few of the other documents that Snowden had given Poitras and Greenwald for publication had little to do with either domestic surveillance or the infringements on the privacy of Americans. By the Lawfare Institute's count, 32 of Snowden's leaks to these journalists concerned the NSA's overseas sources and method, nine identified overseas locations of the NSA's intelligence bases, 25 of them revealed the identities of foreign officials of interest to US intelligence agencies, 14 of them disclosed information about Internet companies legally cooperating with the NSA, and 19 of them concerned technology products that the NSA had been using or researching. In addition, a considerable number of the published documents did not even belong to the NSA but were copies of reports sent to the NSA by its allies, including the British, Australian, Canadian, French, Norwegian and Israeli intelligence services. For example, he provided journalists with secret documents from the British cyber service GCHQ describing its own plans to obtain a legal warrant to penetrate the Russian computer security firm Kaspersky to expand its "computer network exploitation capability." All the GCHQ was revealing in this document was its own capabilities to monitor a Russian target of interest to it. While the release of these foreign documents may have embarrassed foreign allies of the United States, they exposed no violations of US law by the NSA. It was a legitimate part of the NSA's job to share information with its allies. This raises the question: what constitutes whistle-blowing?

To the general public no doubt, a whistle-blower is simply a person who exposes government misdeeds from inside that government. But in the eyes of the law someone who discloses classified information to an unauthorized person, even as an act of personal conscience, is not exempt from punitive consequences of his act. Indeed, if a person deliberately reveals secret US operations, especially ones that compromise the sources and methods of US intelligence services, he or she may run afoul of American espionage laws.

In the past when government employees have disclosed classified information to journalist to redress perceived government misconduct, they almost always received prison sentences, Just during Obama's presidency, there were six government employees who, as a matter of personal conscience, shared classified information they obtained from the FBI, CIA, State Department and US Army with journalists. They were Shamai Leibowitz in 2010, Chelsea Manning in 2013, John Kiriakou in 2013, Donald Sachtleben in 2013, Stephen Kim in 2014 and Jeffrey Sterling in 2014. Like Snowden, they claimed to be whistle-blowers informing the public of abuses of the government. But since they disclosed classified documents, they were dealt with as law-breakers. All six men were indicted, tried, convicted and received prison sentences. Sterling, a CIA officer who allegedly turned over a document to James Risen, a Pulitzer Prize winning reporter for the *New York Times*, was sentenced to 42 months, for example. The most severe sentence was meted out to Private Bradley/Chelsea Manning, who an Army court sentenced to 35 years in a military stockade.

The prison time that others received did not go unnoticed by Snowden. He had been following the Manning case since 2012. In fact, he posted about it shortly before he began stealing far more

damaging documents than had Manning. He therefore would have been aware that by revealing state secrets that he had sworn to protect, he would be risking imprisonment unless, unlike Manning, he fled the country. His motives, no matter how noble they might be, would not spare him, anymore than it spared the other six, from determined federal prosecution.

To be sure, the view of those on the Snowden side of the divide is not grounded in legal definitions, but in a broader notion of morality. Snowden's supporters do not accept that the law should be applied in this fashion to Snowden. They argue that Snowden had a moral imperative to act, even if it meant breaking the law. They fully accepted his view that he had a higher duty to protect citizens of all countries in the world from, as he put it, "secret pervasive surveillance." That higher duty transcended him any narrower legal definitions of law-breaking. For example, Ben Wizner, a lawyer from the American Civil Liberties Union who represented Snowden since November 2013, argues that Snowden's taking of classified documents was as "act of conscience" that overrode any legal constraints because it "revitalized democratic oversight in the U.S." And, without question, Snowden's theft caused a much needed debate on govern surveillance.

In this ends- justify-the-means view, any person with access to government secrets can authorize himself or herself to reveal those secrets to the world if it serves the public good and because doing so would be an "act of conscience," he or she should be immune from legal prosecution.

So for Snowden's supporters, his "act of conscience" justifies his claim to being a whistle-blower even though the preponderance of the secrets disclosed by Snowden had to do with the NSA's authorized activity of using its multi-billion dollar global arrays of sensors to intercept data in foreign countries and share it with some 30 allied intelligence services, as it did in 2013. Snowden, for example, took the NSA to task for its sharing information with Israel. In an interview in Moscow with James Bamford for *Wired* Magazine in August 2014, Snowden describes supplying intelligence to Israel as "One of the biggest abuses we've seen." He was referring to the NSA providing the Israeli Cyber Service, known as Unit 8200, with data concerning Arab communications in Gaza, the West Bank, and Lebanon. But providing Israel with such data, as well as providing it with lethal weaponry, was not some rogue operation. It was part of a policy that had been approved by every American President—and every Congress—since 1948. Snowden had every right to disagree with this established US policy of aiding Israel with intelligence, but it is another matter to release secret documents to support his view. If the concept of whistle blowing is expanded to cover intelligence workers who steal secrets because they disagree with their government's foreign policy of their government, it would also have to include many notorious spies, such as Kim Philby.

Snowden's concept of whistle-blowing also applied to NSA's spying on adversary nations. "We've crossed lines." Snowden said in regard to China, "We're hacking universities and hospitals and wholly civilian infrastructure." The NSA's operations against China were such "a

real concern" for Snowden that he targeted lists of the NSA's penetrations in China. This expansion of the whistle-blowing concept to adversaries was echoed by Russian President Vladimir Putin. He complimented Snowden for having "uncovered illegal acts by the United States around the globe," Putin's view implies a convenient global concept of whistle-blowing that justified breaking US laws.

Even so, this whistle-blower interpretation of Snowden's act has had immense international resonance in the media. The *Washington Post* and Britain's *Guardian*, the newspapers that initially published the purloined documents, won the 2014 Pulitzer Prize. The journalists, who assisted Snowden in this enterprise, including Greenwald and Poitras, were awarded the 2014 Polk Award for national-security reporting. Former Congressman Ron Paul organized a clemency petition in February for Snowden, stating: "Thanks to one man's courageous actions, Americans know about the truly egregious ways their government is spying on them," and his son, Senator Rand Paul, who was a candidate for the Republican Presidential nomination in 2016, calling for a Presidential pardon for Snowden.

Senator Paul's concern fitted with the growing public apprehension over increasing intrusion on its privacy. Snowden was correct, in my opinion, in describing the threat of a surveillance state and the loss of privacy is certainly a legitimate public concern. "We actually buy cell phones that are the equivalent of a network microphone that we carry around in our pockets voluntarily," he pointed out from Moscow.

Snowden is correct that the technology involved in the electronic equipment we all use in the 21st century has made mass surveillance part of our daily life. There can be little doubt that our privacy has been largely eroded, if not entirely negated, by the widespread use of cell phones, credit cards, social media and the search engines of the Internet. When we use smart phones, as most Americans do today, our location is relayed to our telephone service provider every three seconds. The phone companies collect and archive our phone usage "metadata," which includes whom we called and how long we spoke. When we use Google to search for anyone or anything on the Internet, that activity is captured by Google, a company whose profits mainly come from making available to advertisers the results of its surveillance and collection of its users' searches. When we use Gmail, the Google's email service used by nearly one-billion senders and recipients, we agree to allow Google to read the actual contents of our correspondence to find keywords in them of interest to advertisers. When we use a credit card, the credit card company also retains data about what we buy and where we go. When we travel in automobiles equipped with GPS, every turn and stop is tracked and recorded. And when we are in public places with CCTV cameras, our image is recorded and archived. When we use Facebook, Twitter, and other so-called social media, as over two billion people do today, we allow these companies to collect, retain and exploit its surveillance of our movements, associations with other people, and stated preferences. When we use Amazon and other on-line stores, we allow them to track and archive a great deal of our commercial activity. For Internet companies, such as Facebook, Twitter,

Yahoo and Google, collecting private data on hundreds of millions of their members provide them with vast searchable data bases that they can sell to advertisers and other search parties. The exploitation of these data bases is a fundamental aspect of their business plans. Without such surveillance of their users, social media companies would not be able to turn a profit. Indeed, they may be more aptly called surveillance media rather than social media. For those of us who use them to post pictures and communicate, any notion of personal privacy is largely illusionary.

To be sure, there is a distinction to made between the surveillance of our activities to which we voluntarily agree in exchange for the benefits and conveniences that we gain from social media, search engines, and other Internet companies, and the surveillance done by government to which we do not voluntarily invite-- or want. We willingly waive our privacy for corporations but not for governments. What the public might not fully realize, however, is that all the personal information in data bases of private companies can be accessed by the government if it obtains a court order or search warrant. As Snowden himself pointed out, "If Facebook is going to hand over all of your messages, all of your wall posts, all of your private photos, all of your private details from their server, the government has no need to intercept all of the communications that constitute those private records." These Internet companies, even if they are only interested in exploiting the data for its own profit, cannot refuse to share this information with the NSA, FBI and other agencies of the government if they have a court-ordered search warrant, Consequently, all the information these private corporations collect about us is legally available to any municipal, state and federal authority that obtains a warrant from a court. And such search warrants are routinely issued. That reality became evident to me in my investigation of the rape charges brought (and subsequently dropped) against Dominique Strauss- Kahn, the managing director of the International Monetary Fund, in 2011. Immediately after his arrest, Cyrus Vance Jr, the district attorney of New York county, obtained a warrant for Strauss-Kahn's cell phone records, credit card records, hotel room electronic key records, emails, room service bills, and the CCTV videos of his activities (some of which I published in my article about the case in the *New York Review of Books*). If anyone doubts the pervasiveness of government data collection, consider a little known government agency called the "Consumer Financial Protection Bureau." Created in 2010 by Congress, it mines data on a monthly basis from some 600 million personal credit card accounts, targeting about 95 percent of the credit cards users in the United States. In additions, through 11 other data mining programs, it gathers data on everything from private home mortgages and student loans to credit scores and overdrafts in personal banks accounts. This ubiquitous surveillance of virtually every non-cash transaction came about because of advances in computer technology which made it economically feasible to mine data.

Nor is the concern raised by Snowden about NSA domestic surveillance misplaced. Ever since the 9-11 attack the NSA has increasingly played a role in this surveillance state not by own choice but because Congress mandated it. In 2001, it empowered the NSA to obtain and archive data on American citizens. Accordingly, the NSA obtained the billing records of customers from phone and Internet companies and archived these records. The operation was intended to build a searchable data base for the government that could be used to trace the history of the telephone and Internet activities in the United States of FBI-designated foreign terrorists and spies. The government also kept secret these anti-terrorist programs from the public because it did not want the foreign suspects to realize their communications in America were being monitored. The

public only learned that the phone company was turning over its billing records on June 5, 2013, when Snowden disclosed it to the *Guardian and Washington Post.* The documents he provided the journalists showed that the NSA had been obtaining phone records every three months that had been collected by Verizon. While this revelation may have shocked the American public, the NSA had not acted on its own. It had obtained a warrant issued by a secret court established by Congress in 1978 as part of the Foreign Intelligence Surveillance Act (FISA) for each request for records. Congress empowered the FISA court to hear cases and authorize search warrants in secret in cases involving national security. As its name implies, the FISA court was meant to deal with matters bearing on foreign intelligence activities in the United States. That restriction changed after the devastating terrorist attacks of September 11, 2001. A month after the attack, Congress expanded the purview of the FISA court by passing the USA Patriot Act (an acronym which stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism"). Part of the Act, Section 215, euphemistically referred to as the "library records" provision, permitted the FISA court to issue warrants authorizing searches of records by the NSA and other federal agencies to investigate international terrorism or clandestine intelligence activities Through these FISA authorizations, the NSA could obtain "tangible things" such as "books, records, papers, documents, and other items." Under the interpretation of this section of the law by both the Bush and Obama administrations, the FISA court was enabled by Congress to issue warrants to telephone companies demanding that they turn over to the NSA the bulk billing records of all calls made in America.. The FISA court need only deem these records to be "relevant: to the FBI's investigations of terrorists and spies. Essentially, this controversial interpretation of the word "relevant" in Section 215 by the FISA court was used by the NSA to create a searchable database of telephone billing records. Such a "haystack," as the NSA called the national collection of billing records, could allow the FBI to instantly find missing "needles," even if the connections were made years earlier. For example, if the FBI had a lead on a foreign suspect, it could search the data base for any telephone calls made by the foreign suspect to telephone numbers in America, and then who those people called. The FBI always had this power, if it obtained a warrant, but it did not have the records previously in a single data base. General Alexander believed such a "Haystack" database made sense. His approach was, 'Let's collect the whole haystack,'" according to one former senior U.S. intelligence official quoted by the *Washington Post.* According to its critics, including the ACLU, the results provided by this vast database did not justify its immense potential for abuse. In early May 2015, just three weeks before this part of the Patriot Act was set to expire, a three-judge panel of the Second U.S. Circuit Court of Appeals in New York, agreed with the ACLU position, overturning a lower court decision that it was legal. The panel found that the word "relevant" in the Act was not intended by Congress to justify the acquisition and storing of the bulk records of telephone companies. It declared that the government's interpretation of Section 215 of The Patriot Act was incorrect. Soon afterwards Congress replaced the Patriot Act with the USA Freedom Act, which effectively transferred bulk storage of billing records from the NSA to the phone companies themselves. Despite the change in venue, the records of individuals were still not completely private. The databases held by phone companies could still be searched under the new law via a FISA warrant by the FBI.

The core of Snowden's charge in the media was that the FISA court overreached its authority by issuing sweeping warrants that allowed the NSA to obtain data collected by private phone and Internet companies. It the initial story published in the *Guardian* on June 5, 2013, Snowden

disclosed one such FISA warrant to support his charge. It was issued by Judge Roger Vinson of the FISA court on April 25, 2013 and ordered Verizon to turn over to the FBI all its billing records of landline customers for the next 90 days. The FBI presented this FISA authorization to the NSA, which acts as a service organization for the FBI and CIA in collecting communications data. The NSA, with the FISA warrant in hand, then obtained the Verizon billing records. Snowden also provided the *Washington Post* and *Guardian* with another secret document, which was actually a power point presentation on 20 slides by the NSA to other intelligence agencies. It described a program it was using for monitoring the Internet. Its code name was PRISM. It was authorized under Section 702 of the Foreign Intelligence Surveillance Act and was designed to collect messages sent over the Internet from foreigners. Since most of the Internet pipes that carried these messages ran through the United States, the NSA intercepted a large part of the data from Internet companies based in America. This program was not entirely secret from the Internet companies. Such information was in fact obtained with FISA court approval and with the knowledge of the service providers. It also requires a written directive from both the Attorney General and the Director of National Intelligence, and a review by the Department of Justice every three months of each case. After obtaining this data, the NSA ran programs to filter out all domestic Internet communications. In theory at least, PRISM targeted foreign communications, but, as Snowden pointed out, domestic information was also accidently picked up. Whenever the Justice Department actually opened an investigation against Americans in contact with foreign suspects, as it did in 170 cases in 2013, it could obtain warrants from the FISA court to search these Americans' Internet activities. So though PRISM supposedly was a tool for foreign surveillance, it could be extended to Americans in contact with foreign suspects.

These two documents raised legitimate questions for many Americans, including members of Congress, about the proper role of the FISA court, including should it conduct its business in secret? If Snowden had released only these two documents that related to unwarranted domestic surveillance, and other possible violations of the law by the NSA, it would be difficult for any reasonable person not to see his actions as a valuable and even necessary public service. After all, as the three-judge panel of the Second U.S. Circuit Court of Appeals would later find, Congress had not intended Section 215 of the Patriot Act to be used to justify the bulk collection of American records. So if he had limited his illegal downloading to the few documents about bulk collection, it would be more difficult to argue that he was not a whistle-blower in spirit if not in the letter of the law and even a hero of the struggle to preserve our civil liberties. But, in fact, he took a great many other secret documents that did not bear on civil liberties issues.

As a result, the Snowden case produced a great divide in the American appreciation of him. On one hand, he has been almost universally lauded and lionized by what might be seen as the mainstream media, by numerous academics, and even, as we have seen, by members of Congress. The journalists who assisted him, such as like Greenwald, Poitras and/ Gellman also have been celebrated for the roles they played in bringing Snowden's revelations to the public. In other circles, the appreciation had been of him has been very different. American and British intelligence

officials, senior members of the Obama Administration, and members of the oversight committees of Congress do not view Snowden as a hero or even an authentic whistle-blower. Instead they see him as a betrayer of secrets who, acting willfully brought damage to the United States and benefits to its adversaries. The holders of this darker view of Snowden base it on classified reports of the full extent of the theft of classified data. Those officials reckon that only handful of the tens of thousands of documents he stole involved domestic surveillance, and these few documents served as a cover for a much larger theft. Admiral Michael Rogers, who replaced General Alexander as head of the NSA in January 2014, said that March at a public forum at Princeton University. "Edward Snowden is not the "whistleblower" some have labeled him to be." He further explained to Congress: "Snowden stole from the United States government a large amount of classified information, a small portion of which is germane to his apparent central argument regarding NSA and privacy issues." Gen. Martin Dempsey, the chairman of the Joint Chiefs of Staff, went even further. He testified to the House Armed Services Committee on March 6, 2014, after estimating that the Snowden breach could cost the military "billions" to repair, added that "The vast majority of the electronic documents that Snowden exfiltrated from our highest levels of security had nothing to do with exposing government oversight of domestic activities." He based this assessment on then still-secret Defense Intelligence Agency's report on the breach. Although he did not reveal the full extent of the damage even in his classified testimony to Congress in 2013, the classified DIA report showed that Snowden took "over 900,000" military files from the Department of Defense (DoD) in addition to the NSA files he had taken.. The Defense Department loss in terms of the number of files stolen actually exceeded the loss, in sheer numbers, of NSA documents. Lieutenant General Mike Flynn, the DIA director, who directed the DIA secret study, testified to the Senate Select Committee on Intelligence that the breach "has caused grave damage to our national security."

To be sure, this was not the first time that the cryptological branches of the military had been compromised. The spy ring of John Walker had provided thousands of the Navy's reports on breaking Russian ciphers to the KGB during the Cold War era, for example. But the Snowden breach exposing military sources was an order of magnitude greater than any past breach.

The CIA's assessment was no less grim. Michael J. Morell, the deputy director of the CIA in 2013, who, after Snowden's breach, was appointed by President Obama to the task force to review the NSA's intelligence breach and its consequences for national security, wrote that Snowden's action went beyond taking the handful of documents, such as the FISA order, "that addressed the privacy issue." Instead, as Morell put it, "he backed up a virtual tractor trailer and emptied a warehouse full of documents—the vast majority of which he could not possibly have read and few of which he would likely understand—[and] and he delivered the documents to a variety of news organizations and God knows who else." As a result, Morell concluded "Snowden's disclosures will go down in history as the greatest compromise of classified information ever."

General Keith Alexander, the head of the NSA at the time, came to a very similar assessment, asserting that Snowden did "the greatest damage to our combined nations' intelligence systems that we have ever suffered." To be sure, it is to be expected that military intelligence officers

would not be on Snowden's side of the divide (and the Snowden breach ended the career of many of them, including General Alexander.)

But political leaders in both parties could also be found on the anti-Snowden side of the divide. "I don't look at this as being a whistle-blower." Senator Dianne Feinstein (D. - Calif.), the head of the Senate Intelligence Committee, said after she was briefed on Snowden's theft of documents. "I think it's an act of treason." Rep. Mike Rogers, (R.-Mich.), her counterpart on the House Intelligence Committee, said on the NBC program, "Meet the Press," that Snowden might be working for a foreign intelligence service. And a former prominent member of President Obama's cabinet went even further, suggesting to me off the record in March this year that there are only three possible explanations for the Snowden heist: 1) It was a Russian espionage operation; 2) It was a Chinese espionage operation, or 3) It was a joint Sino-Russian operation. These severe accusations generated much heat but little light. They were not accompanied by any evidence from these Congressional leaders showing that Snowden had acted in concert with any foreign power in stealing the files or, for that matter, that he was not acting out of his own personal convictions, not matter how misguided they may have been.

On this side of the divide, Snowden's critics regard the whistle blowing narrative as at best incomplete, and at worst fodder for the naive. They point out that the FISA document that gave him credentials as a whistle-blower was only issued in the last week of April 2013, which was three months *after* he first contacted Greenwald and almost 9 months after he began illegally copying secret documents. They further believe that the evidence contradicts Snowden's claims that he stole only documents that exposed NSA transgression into domestic surveillance, that he turned over all the stolen documents to journalists, and that he was forced to remain in Moscow by the actions of the US government. They believe that all three of these claims, which are at the conceptual basis of the whistle blowing story, are false. They also find that the unprecedented size and complexity of the penetration of NSA files, compromising hundreds of thousands of secret documents pertaining to US operations against adversary nations, according to the NSA's and Pentagon estimates, does not afford an innocent explanation for the volume of files he took.

The deep split in how Snowden is perceived brings to mind the famous drawing of a duck -rabbit cartoon first published in 1900 in the book *Fact and Fable in Psychology*. The figure is perceived either as a duck or as a rabbit but it cannot be seen as both simultaneously. Whether a person sees a rabbit or duck in this test may depend on the information available to that person. For example, if the person has never seen an image of a rabbit before, he will see almost certainly see a duck; and vice versa.

Similarly, what may account for the sharp divide between the Snowden and anti-Snowden camps is a disparity in the available information. The pro-Snowden camp's view is largely informed by Snowden himself. It prefers to believe his words over his actions.

In the anti-Snowden camp are administration officials and the members of the House and Senate intelligence oversight committees who have been at least partially briefed on the continuing investigations of the Snowden affair. The members of the Senate Intelligence Committee, for example, were briefed by David Leatherwood, the director of operations of the Defense

Intelligence Agency that the military files compromised by Snowden included documents bearing on military plans and weapons systems; foreign government's intelligence activities (including special activities), intelligence sources, or methods or cryptology;
Scientific and technological matters relating to national security;; vulnerabilities systems, installations, infrastructures, projects, plans, or protection services relations to national security and the development, production, or use of weapons of mass destruction. The members of the House and Senate Intelligence Committees, but not the public, also have been privy to an NSA investigation that established the chronology of his actions, including changing jobs, copying more than one million classified documents at the Signals Intelligence Center in Hawaii and flying to Russia.

Nor does additional information necessarily change the minds of people who already have a firm view. In the field of social psychology, the testing of "confirmation theory" consistently shows that people tend to more readily reject new information that contradicts their pre-existing beliefs. For example, when Lee Harvey Oswald was arrested in the Texas Theater on November 22, 1963, he said famously, "I haven't shot anybody." Ten months later, the Warren Commission presented evidence, including ballistic tests that it claimed showed that Oswald had shot three people, including President John F. Kennedy, less than an hour before making his statement. Yet, many of those who believed Oswald's public proclamation his innocence chose to believe that the government had falsified all the incriminating evidence to tarnish Oswald (who had been killed on November 24, 1963) rather than accept that they had been wrong in believing Oswald.

The charges, countercharges and defamatory name-calling in the Snowden case therefore only deepened the great divide. Those who saw Snowden as a democratic hero exposing the abuses of power of an out-of-control national security state tended to dismiss anything that depicts Snowden in a negative light as a fabrication while those who saw Snowden as a "traitor" tended to dismiss anything that depicted him in a more positive light.

When it comes to the murky universe of spy agencies, the problem in deciding where the truth lies is further heightened by the possibility of deliberate deception. Spy masters are, after all, in the business of concealing their most sensitive operations. It is often considered essential that important secrets be protected by what Winston Churchill famously termed "a bodyguard of lies." Top intelligence officials are not exempt from this practice. Consider, for example, the response to a question concerning the NSA's operations made by James D. Clapper, the Director of National Intelligence to the Senate Intelligence Committee on March 12, 2013. Senator Ron Wyden (D-Oregon) of the Committee asked the spy master if the NSA collected data on Americans. Clapper answered that the NSA did not knowingly "collect any type of data" on millions of Americans. Clapper's answer was clearly untrue. However, it did not mislead Senator Wyden or any other members of the Senate Intelligence Committee because Clapper had truthfully testified that the NSA did collect American's telephone records in a classified session of the Committee earlier that week. Who was being misled was the American public. Yet, none of the Senators on the Committee, including Senator Wyden, corrected this obviously false answer. When Clapper realized he had misspoken, he could not publically correct the record of the public

session because, to do so, would be revealing classified information he had swore to protect. No doubt other intelligence officers find themselves in a similar bind in discussing secret matters. This suggests that there is a risk in accepting statements made by the intelligence chiefs at face value.

But Snowden also has a credibility problem. He has told numerous untruths including ones calculated to help him insinuate himself into the key position from which he stole secrets and to cover up the nature of his theft. For example, Snowden got access in the spring of 2013 to the super-secret NSA's computers storing these electronic files by working at Booz Allen Hamilton, a hedge-fund owned consulting firm, that helped manage computer systems at its Kunia base in Hawaii. On his application to Booz Allen in March 2013, Snowden claimed to be in the process of completing a master's degree at the University of Liverpool in computer security sciences, which he expected to get that year. Although he had registered two years earlier at the online division of University of Liverpool, he had not completed a single course there and, according to the registrar, he was not in line to receive a master's (or any) degree. To be sure, Snowden did not lie gratuitously. He told untruths to get access to classified documents and to get safely away with them.

He also was not entirely truthful with journalists whose trust he sought when it suited his purpose in protecting himself. For example, in contacting Laura Poitras under the alias Citizen Four in January 2013, he gave her his word that he was currently a "government employee," although in fact he was working for a private contractor at the time.

Snowden had little concern about misleading journalists when it suited his purpose. For example, he told Alan Rusbridger of the *Guardian, Brian Williams of NBC News,* James Bamford of *Wired Magazine,* Katrina vanden Heuvel of *the Nation,* Barton Gellman of the *Washington Post* and Jane Mayer of *The New Yorker* that the U.S, government intentionally acted to "trap" him in Moscow by revoking his passport while he was already on a plane to Moscow on the afternoon of June 23, 2013. Although he had first made this charge on July 1, 2013, none of these journalists asked Snowden what was the basis for his oft-repeated allegation. He did admit, however, during the Q&A following his July 12, 2013 press conference in Moscow that he had no independent source, sating t he had "read it" in the news reports. In fact, news stories prior to his statement reported that his passport had been revoked before he had left Hong Kong on June 22nd, 2013. ABC News, for example reported that the U.S. "Consul General-Hong Kong confirmed Hong Kong authorities were notified that Mr. Snowden's passport was revoked June 22." By the date to June 23rd, Snowden effectively provided to unsuspecting journalists an alibi for his presence in Russia.

The credibility problem with Snowden assumed a more sinister dimension once Snowden put himself and his fate in the hands of the Russian authorities in Moscow. Even though the Obama Administration decided against revealing the extent of Russian intelligence service's participation in Snowden's move from Hong Kong to Moscow, or what intelligence services call an "exfiltration," I was told by a Presidential National Security staff adviser that the government acted to protect the intelligence sources used by the CIA, NSA and FBI to track Snowden's

movements in the latter part of June in Hong Kong. CIA Deputy Director Morell would go no further than to state that during that period he had no doubt the intelligence services of Russia and China "had an enormous interest in him and the information he [Snowden] had stolen." Presumably, the last thing these adversary services would want would be to make this "interest" transparent to the United States.

The role of concealment must be taken into account when assessing information bearing on the work of espionage services. I learned when I was interviewing James Jesus Angleton, the CIA's legendary ex-counterintelligence chief of the CIA in the 1970s for my book on deception that intelligence services play by a different set of rules than historians when it comes to their espionage successes. Angleton, a famously baroque thinker himself, impressed on me the complexity of espionage. He said "It's not enough just to steal a secret. It must be done in a way that the theft remains undetected." From his perspective, there were two requisites that had to be fulfilled to assure the success of any intelligence theft. The first task is the obvious one: acquiring by espionage an adversary's state secrets. The second task is concealment of that success. Deception is employed to obscure the nature and the extent of the espionage theft. This deception is necessary to extend the usefulness of theft. One of the most famous examples of this principle was the deceptions used by British intelligence in the Second World War to conceal its success in breaking the German ciphers generated by the Enigma machines. If German naval intelligence discovered Britain was able to read the ciphers it used to communicate with its U-boats, it would have stopped using them. So British intelligence hid its coup by supplying false information to known German spies to account for the sinking of U-boats, including the canard that British aerial cameras could detect one ingredient in the paint used to camouflage the U-boats. That same hoary principle of deception applies to modern-day communications intelligence. If the Russian, Chinese or any other adversary intelligence service got its hands on the documents stolen by Snowden from the NSA's repositories in Hawaii in 2013, it would likely employ deception, including well-crafted lies, to create as much ambiguity as possible as to the ultimate disposition of the missing documents. From this counterintelligence perspective, the intelligence issue that spawned the great divide cannot be resolved by accepting the uncorroborated statements made by a source, such as Snowden, who may be in the hands of the Russian security services in Moscow.

By the same token, the calculations made by NSA officials about the extent of the theft are also suspect. After all, the NSA is an intelligence service that often engages in secret machinations. We know that its top officials reported to the House and Senate Intelligence Committees, as well as the President's National Security Adviser, that over one million documents were compromised by Snowden. But if this was disinformation, it is difficult to see its purpose. Inflating the extent of the damage of the Snowden breach to the President, Congress and the Secretary of Defense obviously reflected poorly on their own management of the NSA, and their own careers. Yet such a possibility cannot be precluded in the arcane world of intelligence.

As in any case involving the loss of state secrets, uncontested facts remain in extremely short-supply. The opinion-laden appellatives such as “patriot” and “traitor” that have tended to fill the gap in the great divide do little to address the important mystery of how many thousands of state secrets were taken from the United States. How did Snowden breach the supposedly formidable defenses of the NSA? Did he have any assistance? How did he escape to Moscow? And what was the final destination of the stolen documents? The purpose is to find answers to these questions. For this endeavor, it is necessary to return to the crime scene: the NSA’s base in Hawaii.

CHAPTER TWO

The Crime Scene Investigation

"Any private contractor, not even an employee of the government, could walk into the NSA building, take whatever they wanted, and walk out with it and they would never know."

Edward Snowden, Moscow 2014

About 15 miles northwest of Honolulu on the island of Oahu in Hawaii, adjacent to the sprawling Wheeler Air Force Base, is a 250,000 square foot man-made mound of earth and reinforced concrete surrounded by an electrified fence. Inside the mound is a three story structure originally built by the Air Force in the Second World War as a bomb-proof aircraft repair facility. In the Cold War, it was modernized to withstand an enemy chemical, biological, radiological or Electrical Magnetic Pulse attacks, and used by the Navy's operation center for its Pacific fleet. After the Cold War ended, the huge edifice was turned over to the NSA, which had been created as an intelligence service to intercept the communications and signals of foreign countries after World War II, a mission which included vacuuming into its giant computer arrays telephone messages, missile telemetry, submarine signals and virtually everything on the electro-magnetic spectrum of interest to the US defense department and US intelligence agencies. Because it provided a valuable window on the activities of adversary nations in the Pacific region, it was able to monitor the ballistic missile tests and submarine activities of China, North Korea and Russia. As the NSA developed it, this Hawaiian base became one of its primary regional bases for gathering Asian communications intelligence. By 2013, the Kunia base, also called "the tunnel" by its NSA workers, had a vast array of state-of-the-art technology, including 90 Cray supercomputers arranged in a horseshoe configuration, used to decipher and make sense of the intercepted signals from China, Russia and North Korea. At the heart of the Hawaiian complex was a unit with both military and civilian employees. A large share of the civilians who ran the computers worked under two-year contract to the NSA's leading civilian contractor, Booz Allen Hamilton.

Keith Alexander, the four-star general who headed the NSA from 2005 to 2014, first learned about the impending story in the *Guardian* on June 4, 2013 while he was in Germany meeting with its top intelligence officials. Janine Gibson, the *Guardian's* American website editor had notified the NSA it intended to break a story based on NSA the next day. It took NSA counterintelligence less than 48 hours to determine that a civilian employee at the base from which documents were stolen had not reported back to work on June 3rd, 2013. It also determined he had lied on his application of a two-week medical leave and had flown to Hong Kong. The missing man was Edward Joseph Snowden, a 29-year civilian employee of Booz Allen Hamilton. At the time of the theft in May 2013, he was still being trained as an analyst at the Threat Operations Center. Personnel records further showed that he had worked there for less

than six weeks. He had taken the medical leave on May 18, 2013 left the country by plane. By June 7th, he had become the NSA's main suspect. Snowden had been hired to work there as an outside contractor by Booz Allen Hamilton, a private company owned by a hedge fund, which managed much of the information technology at the Center.

General Alexander, returning to Washington DC after assigning the sensitive job of investigating the breach to Richard "Rick" Ledgett, the Director of the NSA's Threat Operations Center at NSA's headquarters in Fort Meade, Maryland. It was a key position since the top-secret unit was responsible for discovering and countering the threats posed by Chinese, Russian and other adversary nations. Ledgett was also the logical choice to head the damage assessment investigation since the Center's regional branch in Hawaii was from where highly-sensitive documents were stolen and where the main suspect, Snowden, last worked. Ledgett immediately boarded a military jet bound for Hawaii. His first task was to reconstruct the chronology all of Snowden's moves at the Center, or, as the tactic is called in counterintelligence parlance, "walking the cat back."

The NSA meanwhile notified the FBI of Snowden's possible involvement in the theft of state secrets. It is in charge of criminal investigations of civilian US intelligence workers, even if they occur on a NSA base, The FBI immediately dispatched a top task force of agents to investigate a potential espionage case in Hawaii. When questioned, Lindsay Mills, who shared Snowden's rental home with him and had been his girl friend for 8 years, said Snowden was away on a business trip. After determining from airline and hotel data that he was in Hong Kong, the FBI realized Snowden was a possible intelligence defector. It froze his credit and bank cards. It also notified the passport office in the State Department the legal attaches at the Hong Kong consulate. The legal attaches, who were actually FBI field agents posted in Hong Kong, located Snowden at the Mira Hotel on June 8th. Such international detective work proved unnecessary since on the evening of June 10th, Snowden ended all doubts about the identity of the perpetrator by revealing in a 12-minute video posted on the *Guardian* website that he was the source of the stolen NSA documents for which the FBI was searching. The problem was that since Hong Kong was in China, US law enforcement did not have the means to recover them.

At that point, determining the magnitude of the theft of documents became a critical concern of the investigation. Aside from the few dozen documents published by the *Guardian* and *Washington Post*, what else had Snowden stolen?

Within the next few days, a small army of forensic investigators from the FBI, the Defense Department and the "Q" counterintelligence division of the NSA swarmed onto the NSA base in Hawaii. The proximate crime scene for their investigation was the National Threat Operations Center. They examined the cubicle where Snowden had last worked at NSA, and then began

retracing all his activities at the NSA over the past four years. To begin with, they needed to find out how many documents from the Center had been copied and taken by Snowden.

The Defense Intelligence Agency (DIA), the Pentagon's own intelligence service, meanwhile was kept partially in the dark. It did not learn from the NSA that Snowden had stolen military documents, concerning the joint Cyber Command until July 10, 2013. In terms of sheer quantity, the number of stolen military documents was staggering. The DIA found that Snowden had copied "over 900,000" military files. Many of these files came from this joint command, which had been set up in 2011 by the NSA and Army, Navy, Marine and Air Force cryptological services to combat the threat of warfare in cyberspace. The loss was considered of such importance that between 200 and 2500 military intelligence officers worked day and night for the next four months, according to the DIA's classified report, to "triage, analyze, and assess Department of Defense impacts related to the Snowden compromise." The job of this unit, called the Joint Staff Mitigation Oversight Task Force, was to attempt to contain the damage caused by the Snowden breach. In many cases, containment meant shutting down NSA operations in China, Russia, North Korea and Iran so they could not be used to confuse and distract the U.S. military.

The NSA and Defense Department were not the only government agencies concerned with determining the extent of the breach. There was also the CIA. The NSA acted as a service organization for it, handling most, if not all, of its requests for communication intelligence to support its international espionage operations. Although the CIA and NSA were both part of the so-called "Intelligence Community," the NSA did not immediately share with the CIA details of the Snowden breach. Despite the immense potential damage of the theft, it was not until a week later that CIA Director John Owen Brennan and Deputy Director Michael Morell were briefed by the NSA. When Morell realize how much data had been taken by Snowden, he was astounded "You might have thought of all the government entities on the planet, the one least vulnerable to such grand theft would have been the NSA," he wrote "but it turned out that the NSA had left itself vulnerable." According to Morell, he bluntly told the NSA briefer that it was urgent for the CIA to be brought in on the case. After all, only four years earlier Snowden had been employed by the CIA. Specifically, Morell said the CIA needed to find out three things. Has CIA documents had been part of Snowden's haul? How long had Snowden been stealing documents? Had Snowden been working "with any foreign intelligence service, either wittingly or not?" According to Morell, the effort to get a direct answer from NSA officials to these three key questions "proved maddeningly difficult." He found that in mid June NSA officials with whom he dealt were so "distraught at the massive security breach" that initially they even refused to allow CIA officers to participate in the on-going security review. A former NSA executive told me there was "near panic" at the NSA. Finally, Morell called Chris Inglis, a former professor of computer science who had risen to be the NSA's Deputy Director at the time of the breach. Inglis, who headed operations for the NSA, told him "the news was not good." Among the data copied by Snowden were a large number of CIA secrets. By the time, the CIA learned that its secrets had been compromised, Snowden was headed to Russia.

The investigation of a crime involving potential espionage is no easy task. In this case, it required attempting to solve a jigsaw puzzle in which not only were key pieces missing but, since it involved adversary intelligence services, some of the found pieces might have been twisted to deliberately to mislead the US investigators.

By late July, NSA investigators made their initial assessment. They determined that most of the material had been taken from sealed-off areas, known in intelligence-speak as "compartments," which in this case were files stored on computers that were isolated from any network. Each compartment electronically tracked all the activities that occur in them on their logs, including the password identity of any person who has gained entry to any compartment. From a forensic examination of these logs, NSA investigators were quickly able to reconstruct the timeline of the theft. The logs showed that an unauthorized party had begun copying files in mid-April, which was just days after Snowden began his job at the Center. The breach illicit activity ended just before Snowden's last day of work there. So this piece fit in with Snowden's guilt.

The size of the theft was another matter. Ledgett was certainly in a position to know. Not only had he been in charge of the National Threat Center at the time of the Snowden breach, but he personally supervised the NSA's damage assessment team. And, in the shake-up that followed that followed, he would replace Inglis as Deputy Director of the NSA. According to Ledgett, the perpetrator, moving from compartment to compartment, had "touched" 1.7 million documents. Of these "touched" documents, according to the analysis of the logs, more than one million of them were moved in mid-May by the unauthorized party to an auxiliary computer intended to be used for temporary storage by authorized service personnel. Finally, the data was transferred from this auxiliary computer to thumb drives. This download occurred just days before Snowden' left the NSA on May 17, 2013, having told the agency that he needed a leave of absence to undergo medical treatment in Japan. The FBI further established from airport records that Snowden flew to Hong Kong the next day presumably with thumb drives containing, by the government's calculation, over one million documents.

To be sure, the quantity of stolen documents does not necessarily reveal the damage, and can itself be misleading. Many documents that do not reveal current or known sources or methods and others may have little value to an enemy. And a large portion of the 1.7 million documents may have been duplications. But the quality of some of these documents is another matter. Just one document that exposed a source or method of which enemies are unaware can be of immense value. For example, one of the missing documents taken by Snowden provided what Ledgett called "a roadmap" to the NSA's current secret operations. That single document would reveal to an adversary such as Russia, China or Iran, according to Ledgett, "what we know, what we don't know, and, implicitly, a way to protect themselves." And there were many documents in the Snowden breach that met these criteria, according to a National Security official at the Obama White House.

The breach had happened on the watch of General Alexander, who headed both the NSA and the US Cyber Command, in 2013. A short, compact man with military bearing, Alexander closely followed the investigation as it developed over the summer of 2013. By then, of course, the whole world knew that Snowden had stolen a vast trove of NSA documents. But General Alexander saw major inconsistencies developing between Snowden own account of the theft and what had

actually happened. To him, Snowden's timeline, as established by the government's investigators, did not match up to Snowden's story line. "Something is not right," Alexander said in an interview.

What was wrong with Snowden's account proceeded from unresolved inconsistencies in both the timing and nature of the theft. For one thing, Snowden had made the claim to journalists, four months after he was in Russia, that he had turned over all the documents he took from the NSA's compartments to journalists Laura Poitras and Glenn Greenwald in Hong Kong. However, on August 18, 2013, the investigators had the opportunity to examine the files that Snowden had actually given Poitras and Greenwald in Hong Kong. This discovery came when David Miranda, Greenwald's romantic partner, was detained at Heathrow Airport by British Authorities under Schedule Seven of Britain's Terrorism Act. At the time, as British intelligence presumably knew, Miranda was acting as a courier for Greenwald and Poitras. According to Greenwald's account, Snowden had given both him and Poitras identical copies of the NSA documents in Hong Kong. When Greenwald returned home to Rio de Janeiro, he found his copy was corrupted. But Poitras still had her digital copy of whatever stolen documents that Snowden had distributed to them. So Greenwald dispatched Miranda from Rio to Berlin to get a copy of Poitras' thumb dive. On the return trip, Miranda's plane stopped at Heathrow and British authorities temporarily detained him and temporarily took the thumb drive from him. Poitras had written out the password for Greenwald, and Miranda kept it with the thumb drive. The British quietly copied the contents and shared them with the NSA. As a result, the NSA discovered that Snowden had only given Poitras and Snowden some 58,000 documents. By any measure, it was only a tiny fraction of Snowden's total haul. The damage assessment team under Ledgett determined that some of these documents had been edited out of much larger documents that the NSA logs showed that he had copied. Snowden had evidently selected for the journalist's only parts of the lengthy documents. For example, only scattered fragments of the 36,000 page "road map" file were among the material on the thumb drive. By the count of both the NSA team and the Defense Department team almost one million documents were unaccounted for. If Snowden had not given these missing files to Poitras and Greenwald, the issue of what had happened to them became a critical missing piece in the puzzle.

Adding another layer to the mystery of the missing documents, the NSA investigation found that the chronology of the theft of documents did not support Snowden's claim to journalists that he had only been seeking whistle-blowing documents. Most of the documents he first took did not concern the domestic activities of the NSA. It was only towards the end of the theft that he copied documents that would qualify as whistle-blowing. In fact, the now-famous FISA court order to Verizon that was the basis of the initial *Guardian* expose was only issued by the FISA court on April 27, 2013. The other main whistle-blowing document he revealed, the PowerPoint presentation about PRISM, a joint NSA-FBI-CIA Internet surveillance program, that was the basis of the *Washington Post* expose, was also only issued in April 2013. Yet Snowden had been

down-loading documents for some 10 months before he copied these documents. When I discussed the chronology of the copied documents with a former government official briefed on the investigation, he suggested that Snowden's purpose may have changed between 2012 and 2013. When I asked him what might have induced the change, he replied "That is one of the unanswered questions." That Snowden only took these two whistle-blowing documents at the tail-end of his 9-month operation, and after he had contacted Poitras and Greenwald, suggests he may have had another motive prior to contacting journalists. In light of this chronology, the investigation had to consider the possibility that his whistle-blowing was, partly if not wholly, a cover for another enterprise.

The investigation soon ran into another serious issue: his access. Snowden had described to journalists a situation in which he had access to" millions of records that [he] could walk out the door with at any time with no accountability, no oversight, no auditing, the government didn't even know they were gone," but, as it turned out, he was not among the limited number of individuals at the Center who had access to these documents, The NSA's and Booz Allen's employment records showed that Snowden had not yet completed his requisite on-the- job training at the National Threat Operations Center in Hawaii when he carried out the theft. Consequently, he had not yet been provided with the passwords he needed to get the documents. A former NSA official bluntly told me that Snowden, at least during the period of the thefts in April and May 2013, had no more legitimate access to the compartments than the cleaning personnel at the Center. Somehow he converted his proximity to access.

This lack of access could not be ignored in any law-enforcement investigation. Consider if a hundred top-quality D-flawless diamonds were stolen from locked vaults at Tiffany's by a recently-hired trainee who, it turned out, did not have either the combination to open these vaults. One possibility that the police would be expected to consider was that the trainee might have had help from a current or former insider at the company who knew the combinations. Snowden had accomplished a similar inexplicable feat as the hypothetical jewel thief.

In Snowden's case, the FBI had to consider two very different possibilities that could explain how he could have acquired the password. He said in his video confession that he was solely responsible but there was another possibility. He had help, unwitting or witting, from others and he was trying to protect away from them.

The FBI faced a dilemma. It could either assume that the NSA's security regime was so badly flawed that Snowden could trick his fellow workers into providing him with access or that there was another individual at the Center who might have assisted or directed Snowden. If it pursued the former hypothesis, it could close the case as far as the sitting Grand Jury was concerned. After all, Snowden had admitted he was the perpetrator and, if further evidence was needed, he could be seen showing stolen documents to Greenwald on the video. And Greenwald later used these documents. For the Grand Jury, it was, as one former federal prosecutor put it, "a slam dunk." Not even Snowden denied the charge that he gave secret documents to individuals that

were not authorized to receive them, the same charge for which Manning was convicted. Even if it went no further, the FBI would satisfy its superiors in the Department of Justice that it had done its law-enforcement job. But if it pursued the latter hypothesis, it would need to engage in a mole hunt for a quarry that might not exist. By doing so, it could open a Pandora's Box of suspicions that it, or the NSA, might not ever be able to close. When the investigation came to this fork in the road in the summer of 2013, according to a source on the House Intelligence Committee, it chose the former route.

Finally, there was the question of whether Snowden had gone to Russia by design or accident. Whenever an intelligence worker steals sensitive compartmentalized information of interest to a foreign adversary and then defect to it, it raises at least the specter of state-sponsored espionage. It is a commonly accepted presumption in counterintelligence that a spy, fearing arrest, flees to a country that has some reason to offer him protection. When the British spies Guy Burgess, Donald Maclean and Kim Philby, for example, fled to Moscow in the Cold War the presumption was that they had a prior intelligence connection with Russia. And Philby confirmed it in his 1968 memoir *"My Silent War*." So in the case of Snowden, counterintelligence had to consider the possibility that his theft of state secrets and his arrival in Moscow might not be totally coincidental.

For his part, Snowden said that he did not leave Hong Kong with the intention of staying in Russia, but that the U.S. government "trapped him" at Moscow's Airport by revoking his passport. He told editor of The *Nation* magazine: "I'm in exile. My government revoked my passport intentionally to leave me exiled." He added that the U.S. government "chose to keep me in Russia." Although he repeated that assertion over a dozen times, it was untrue. The US government had not invalidated his passport for travel back to the United States. When criminal charges are lodged against a U.S, citizen by the Department of Justice, the State Department, in accordance with the U.S. code of justice, marks in the electronic passport validation advisory system that that person's passport is electronically marked valid only for return to the U.S. After criminal charges were filed against Snowden, including the theft of classified government documents, it advised foreign governments that Snowden was wanted on felony charges, and "should not be allowed to proceed in any further international travel, other than is necessary to return him to the United States." It was simply requiring that his passport, which is a State Department document, be used for him to return to the United States. Rather than preventing Snowden from returning to the United States, or "exiling" him, the government facilitated his return home. With his passport, he could have flown home from either Hong Kong or Moscow, where he, like any other person accused of a felony, would face the charges against him. Nor was it plausible that President Obama and Secretary Of State Clinton would conspire to trap a perpetrator carrying incredibly valuable national security secrets in Russia.

The counterintelligence investigation had little difficulty establishing that Snowden's trapped" version in the media was not consistent with the actual chronology of the events. Snowden claimed that the U.S. State Department had acted while the plane was flying to Moscow on June

23rd but in actuality it had acted on June 22, 2013, which was the day *before* the plane (or Snowden) departed from Hong Kong. The Hong Kong authorities had been advised as early as June 19, 2013 that there were criminal charges against Snowden and only a typographical error in spelling out Snowden's middle name—James instead of John-- in the criminal charges prevented the Hong Kong police from immediately ordering his detention. His Hong Kong lawyers were advised of the pending charges, which were unsealed on June 21, 2013 and published on front page of the *South China Morning Post* in Hong Kong. So presumably Snowden knew that action by the U.S. government was imminent. One of his lawyers, Jonathan Mann, even accompanied Snowden to the airport out of his concern that he would not even be allowed by Hong Kong authorities to go through passport control. Although Snowden still had a US passport in his possession, the computerized database would show on June 23rd, it was no longer valid for travel to anywhere but the U.S.

This electronic notification advised foreign government that his passport was only approved for his return to the U.S. Even so, when he arrived in Russia any future international travel decisions for him would be up to Russia, not the U.S. So the only government with the means to "trap" him in Russia was the Russian government.

The U.S. government also knew that his it was no accident that Snowden wound up in the hands of Russia. He had been in contact with Russian officials in Hong Kong. Even before Putin admitted this liaison on September 3, 2013, the CIA knew about it. In fact, on June 23rd, t, Senator Charles Schumer (D-N.Y.), correctly said based on a White House briefing that "Vladimir Putin had personally approved Snowden's flight" to Moscow. As mentioned earlier, the NSA still had the capability to monitor Russian communication in June 2013. The messages, as well as the traffic, it intercepted from its sources reportedly revealed the Russian intelligence activity in Hong Kong. The NSA also reportedly intercepted contacts between these Russian officials and Russian representatives of Aeroflot, the Russian state-owned airline flying between Hong Kong and Moscow. Aeroflot, like most other international carriers, ordinarily requires international passengers to have both a valid passport and visa to the country of his destination. That those rules were waived for Snowden implicated Aeroflot in Snowden's exfiltration from Hong Kong. All of which meant to investigators that Snowden's defection to Moscow was not a haphazard result of unexpected circumstances. This raised new questions for the investigation. What led Snowden to defect to Russia? Was his arrival in Moscow planned by Russia intelligence in advance? Was any other party, such as China, privy to the plan? Was there a quid pro quo?

US intelligence had some clues suggesting that Snowden's path to Russia had been prepared for him in advance. On September 3, 2013, Russia's President Putin gave a lengthy interview on state-owned Channel 1 television in which he divulged that he personally had had advance knowledge of Snowden's plan. "I will tell you something I have never said before," Putin said. Snowden "first went to Hong Kong and got in touch with our diplomatic representatives" and that he was told then that an American "agent of special services" was seeking to come to Russia.

Putin then decided that this agent would be "welcome, provided, however, that he stops any kind of activity that could damage Russian-US relations." Putin's disclosure came as no surprise to the NSA investigation since the Russian pro-government newspaper *Kommersant* had reported that Snowden visited the Russian consulate in Hong Kong.

Putin's authorization could certainly account for Aeroflot waiving its usual passport and visa check to allow Snowden to board its plane. It also might explain the dispatch with which Russian officials whisked Snowden off the plane after it landed and into a waiting car at the Moscow airport. It could even account for Snowden's vanishing from public view for the next three weeks and the promulgation of the cover story that Snowden was unwillingly trapped at the airport by the U.S. government. The reasons behind Putin's move were less clear.

By September 2013, the investigation was looking into a veritable abyss. Snowden's culpability was no longer an issue. What was lacking from the video, or the 2-hour film made from it by Laura Poitras, was any specific information on how many documents he had copied, how he had obtained the passwords to the computers on which they were stored, the period of time involved in the theft, or how he had breached all the security measures of the NSA in Hawaii. Nor would that data be forthcoming from Snowden, who may be the only witness to the crime, By June 23, 2013, he was in a safe haven in Moscow. Even though the Grand Jury case against Snowden was cut and dry, it was also irrelevant because the US does not have an extradition treaty with Russia.

The purpose of the intelligence investigation went far beyond determining Snowden's guilt or innocence, however. Its job was to find out how such a massive theft of documents could occur, how the perpetrator escaped, and, perhaps most urgent, who had obtained the stolen documents from Snowden.

When Snowden first met Greenwald and Poitras in Hong Kong on June 3rd 2013, he displayed in his hand, as a recognition signal. It was an unsolved Rubik's Cube. It may also be an appropriate metaphor for the unsolved elements in the Snowden enigma. Even in his later interviews with journalists in Moscow, Snowden studiously avoided describing the means by which he breached the entire security regime of America's most secret intelligence service. He only told the journalists who came to Moscow to interview him, with a bit of pseudo-modesty, that he was not "an angel" who descended from heaven to carry out the theft.

But the question of how Snowden stole these documents may be the most important part of the story. The NSA, after all, furnishes communications intelligence to the President, his National Security advisers, and the Department of Defense that is supposedly derived from secret sources in adversary nations. If these adversary nations learn about the NSA's sources, the information, if not worthless, cannot be fully trusted. The most basic mission of the NSA is to protect its sources. Yet, despite all its efforts, Snowden walked away with long lists of its sources. In doing so, he amply demonstrated that a single civilian employee working for an outside contractor, even

one not having the necessary passwords and other access privileges, could steal documents that betrayed these vital sources. He also demonstrated that such a theft, which the NSA calculates exceeded one million documents, can go undetected for at least two weeks. If Snowden managed this feat on his own, as he claims in his Hong Kong video, it suggests that any other civilian employee with a perceived grievance against NSA practices or American foreign policy could also walk away with some of the most precious secrets held by US intelligence. Such vulnerability extends to tens of thousands of civilian contract employees in positions similar to the one held by Snowden. The lone disgruntled employee explanation is therefore hardly reassuring. If true, calls into question the entire multi-billion dollar enterprise of outsourcing the management of the NSA's computer networks and other technical work to outside contractors. It also casts doubts on the post-9/11 decision by the intelligence community to strip away much of the NSA's "stove-piping" that previously insulated the NSA's most sensitive computers. Without such "stove-piping," any rogue civilian employee could bring down entire edifice of shared intelligence.

Nor would a finding by the investigation that Snowden had acted in concert with others in breaching compartments at the NSA be any more reassuring. Such collaboration among intelligence workers would reflect gravely on the mindset of the NSA. Snowden described an atmosphere in which intelligence workers exchanged lewd photographs of foreign suspects. Did this violation of the NSA's rules also involve abetting the theft of documents? If so, the NSA would have to evaluate further vulnerabilities that might arise when it entrusts its secrets to technicians who do not share is values. A collaborative breach would signal an immense failure of the present concept of the counterintelligence regime in the NSA.

From what I gathered from government officials who were familiar with the investigation, there was a concern that answering the "how" question could open up a Pandora Box of other issues concerning the very ability of the NSA to carry out its core mission of protecting the government's intelligence secrets. However it was organized, it was that clear that Snowden had played a major role in what amounted to a brilliant intelligence coup.

PART TWO

SNOWDEN'S ARC

"I woke this morning with a new name. I had had a vision. A dream vision. A vision righteous and true. Before me I saw Gamers shrouded in the glory of their true names...Step forth, and assume your name in the pantheon. It's always been there, your avatar's true name. It slips through your subconscious, reveals itself under your posts, and flashed visibly in that moment of unrestrained spite; in the indulgent teabag. You've felt it, known it, and recognized it. Now realize it.
I woke this morning with a new name. That name is … Wolfking Awesomefox"

--Edward Snowden in Geneva, June 12, 2008.

CHAPTER THREE

Tinker

"It's like the boiling frog. You get exposed to a little bit of evil, a little bit of rule-breaking, a little bit of dishonesty… you can come to justify it."

—Snowden in Moscow, 2014

Edward John Snowden was born on June 21, 1983 in Elizabeth City, North Carolina. His parents, Lon Snowden and Elizabeth "Wendy" Barrett, according to their marriage records, wed when they were both 18 in 1979. The following year they had a daughter, Jessica.

Lon Snowden, like his father before him, served in the U.S. Coast Guard. He was stationed at its main aviation base, where his father-in-law Edward John Barrett, was an officer and rising star of the Coast Guard. While Edward Snowden was still a child, his grandfather would become not only an admiral but the head of the Coast Guard's entire aviation service. Admiral Barrett would be the only grandfather, Edward Snowden would ever know. His paternal grandfather died before he was born in a fatal car crash. He had had a drinking problem and killed a woman in a prior car crash.)

When Lon was transferred to a Coast Guard base near Baltimore in 1992, the family moved to Maryland. Lon bought a two-story house in Croften, Maryland, a residential community very close to the NSA's headquarters building at Fort Meade. The two children, Edward, who was nine, and Jessica, who was 12, were enrolled in local public schools in Croften.

Jessica was a top student. She graduated high school, completed both her courses at University of Maryland and went on to law school, where she graduated with honors. Unlike his sister, Snowden experienced a string of failures in his education. In 1998, after only one year of classes, he dropped out of Arundel High School. According to school records, he stopped attending classes at the age of fifteen. He later attributed his absence from school to a medical problem, mononucleosis, but according to Robert Mosier, a spokesman for Anne Arundel County public schools, there is no record of any medical illness. Brad Gunson, who knew him before he dropped out of high school, recalled in an interview with the *Washington Post* only that he had a high-pitched voice, liked magic cards, and played fantasy video games. Nor did Snowden receive home schooling or ever get a high school diploma.

Instead, Snowden became the product of a broken home. His parents were entangled in a messy divorce fight until he was seventeen. By this time Jessica had her own apartment. When his

parents separated, Snowden's mother, Wendy, bought a two-bedroom condominium in Elliott City, Maryland. She moved Snowden, along with his two cats, into the condominium. She remained in the family house while awaiting its sale. According to his neighbor Joyce Kinsey, Snowden, alone, stayed home almost all the time. From what she could observe, he spent long hours in front of a computer screen.

At the age of 18, Snowden was still living by himself, while other teens his age went to college, Snowden now devoted a large part of his time playing fantasy games on the Internet. Posting under the alias "The TrueHooHa" on a web site called *Ars Technica*, he showed himself to be a passionate gamer. He was especially drawn to Anime, a graphically violent style of Japanese animation. These Anime games had by 2002 achieved a fanatic following in both Japan and the United States. He claimed special skills at Takken, a martial arts fighting game. He even went to Anime conventions in the Washington DC area. When he became a webmaster for Ryuhana Press, a website running these anime-based games, he described himself somewhat fancifully as a 37-year old father of two children, The only clearly true part of his description was that he was born on "the longest day of the year" (June 21).

He also apparently valued changing his body. He wrote Internet posts under his TrueHooHa alias about how he used weightlifting and intensive training to precision-shape his body. He bragged to his online followers that he had reduced his "body fat percentage to between 9.5% and 10.5%" (which was less than half of the average for his age.)

He appeared somewhat restless with his solitary life in a Maryland suburb in his almost daily postings. He expressed a longing to go to Japan. "I've always dreamed of being able to "make it" in Japan. I've taken Japanese for a year and a half," he posted in 2002. Despite his claim of learning Japanese, there is no record of him taking any courses in Japanese. But it perhaps part of his yearning. He also wrote that he wore "cool" purple sunglasses, practiced martial arts and was a fan of Japanese cuisine. He described himself at one point, as if advertising his virtues, as having a "head of vibrant, shimmering blond hair (with volume)." In pursuit of an employment opportunity in Japan, he posted "I'd love a cushy gov job over there." Eventually, he gave up on the idea of relocating himself to Japan because, as he explained in a post, he would have to put his cats in quarantine for six months.

Snowden's father meanwhile moved to Pennsylvania with his new wife-to-be. This left Snowden with only one male family member in the area, his maternal grandfather, Admiral Edward J. Barrett. Unlike Snowden's virtual career on the Internet, where at one point Snowden invented for himself two fantasy children, Admiral Barrett became a real actor in the top echelon of US intelligence. After the Coast Guard, he moved to the Pentagon. He was actually in the Pentagon when a plane piloted by terrorists crashed into it on 9-11. He emerged unscathed and, by 2004, was a top official in the intelligence regime that operated the interrogation center at Guantanamo.

Instead of seeking a job in Japan, Snowden sought to join the Special Forces through the 18X program. It was an Army Reserve program created in 2003 that allowed individuals who had not served in the military or completed their education, to train to be a Special Forces recruit. He listed his religion on the application as "Buddhist" because, as he explained in a sardonic post on *Ars Technica*, "Agnostic is strangely absent" from the form."

He enlisted in the army reserves on May 7, 2004, according to U.S. Army records. He reported for a 10 week basic training at Fort Benning, Georgia. That was standard course for all enlistees in the infantry. In August, he began a three-week course in of parachute jumping but did not complete that training. US Army records show he did not complete the training requirements and received no commendations. As Snowden put it in his Internet postings, he "washed out." He was discharged on September 29, 2004, ending his 19 week military career. Snowden would later claim on the Internet that he returned to civilian life because he had injured himself by breaking both legs. An Army spokesman said, however, that he could not confirm that Snowden injured his legs or that he was in fact dropped from the program for medical reasons. Under his alias TheTrueHooHa he wrote that "they [the Army] held on to me until the doctors cleared me to be discharged, and then after being cleared they held onto me for another month just for shits and giggles." He attributed this treatment in the Army, as he would later attribute his problems in the CIA and NSA, to the inferior intelligence of his superiors, He wrote in his post "Psych problems = dishonorable discharge depending on how much they hate you. Lots of alleged homos were in the hold unit, too, but they only got a general discharge at best." It is not entirely clear whether or not Snowden actually injured himself. If he had broken his legs, it was not evident to Joyce Kinsey, his next door neighbor, who told me that she never saw Snowden on crutches when he returned to his mother's condominium in September 2004. Whether or not he broke his legs, Army records show that he did not receive a medical discharge. He received an "administrative discharge." Unlike a medical discharge which is given because a soldier has sustained injuries that prevent him from performing his duties, an administrative discharge is a "morally-neutral" form of separation given to a soldier when her or she is deemed for non-medical reasons inappropriate for military service. Snowden himself preferred to voice a medical explanation for his severance, just as he had claimed a medical reason for dropping out of high school (and would later claim he needed medical treatment for epilepsy at the NSA.)

When he returned home from Fort Benning, Georgia on September 28, 2004, he was 21. Having failed in his attempt to join the Special Forces, he returned to his mother's condominium in Elliott City, where he remained unemployed for several months. He took a job as a security guard at the University of Maryland's Center for Advanced Study of Language. According to his Ars Technica postings, he worked the night shift from six in the evening to six in the morning. Because intelligence officers took its language courses, Snowden had to take a polygraph exam to get the job. After he passed it, he was hired and given his first security clearance But he had higher ambitions than being a campus security guard, It was only a temporary stop gap for him.

He had ambitions of becoming a male model. He did not seem overly concerned about his privacy, posting pictures of himself "mooning" for the camera. He also posted provocative modeling pictures of himself on the *Ars Technica* website. He commented on his own beefcake-style pictures "So sexxxy it hurts" and "I like my girlish figure that attracts girls." He approached a model agency called Model Mania. He had some concern about the photographer who "shoots mostly guys." Snowden said in a post he was "a little worried he might, you know, try to pull my pants off and choke me to death with them, but he turned out to be legit and is a pretty damn good model photographer." He posted the photographs on the Internet, commenting: " I think I look pretty good in the shots, so it's kind of hard to get used to thinking of yourself in terms of being an element in a picture as opposed to just a picture of X." Despite his enthusiasm, the lack of any paid job offers dashed any hopes he had of a modeling career.

He also began dating Lindsay Mills around this time. She was an extremely attractive 19-year old art student at the Maryland Institute College of Art. Jonathan Mills, Lindsay's father, was an applications developer at the Oracle Corporation. According to him, she met Snowden on an Internet dating site. However they met, Snowden and Mills had much in common. They both had divorced parents who gave them a great deal of latitude in conducting their personal lives. Both of them were keenly interested in perfecting their bodies through exercise and diet regimes, Mills' only paid employment over the next 8 years would be as a fitness and Yoga instructor in Maryland. They both also had ambitions to be models and neither of them had inhibitions about posing provocatively for photographers. They both also had a desire to travel to exotic places, including cities in Asia. Mills had spent four month in Guilin, China before meeting Snowden.

As bleak as his prospects as a high school dropout may have seemed, he had an unexpected stroke of good fortune in the spring of 2006. The CIA, out-of-the-blue, offered Snowden a $66,000 a year job as a CIA communications officer. "I don't have a degree of ANY type. In fact, I don't even have a high school diploma," Snowden boasted in May 2006 on the website *Ars Technica* under his alias The TrueHooHa. He added, with only a slight exaggeration, "I make 70K."

But how did Snowden get the job? The CIA's minimum requirements in 2006 for a job in its clandestine division included a bachelor's or master's degree and a strong academic record, with a preferred GPA of 3.0 or better. Snowden had only completed one year of high school. He had never attended college. He said himself that he had "no degree." So he had none of the requisite degrees for the job he got.

CIA deputy director Ledgett said the CIA needed technical workers in 2006. But even if Snowden only applied in this capacity, which entailed a 5-year contract-term employment agreement, the minimum requirements for an intelligence technology job were a minimum of an Associates' Degree awarded by a two-year Community college in Electronics and Communications Engineering Technology Computer Network Systems, or Electronics Engineering Technology. Candidates further must have a final GPA of at least 3.0 on a 4.0 scale

from a fully accredited technical school or university. Snowden did not meet these standards. Lacking these qualifications, the CIA can make an exception only if a candidate had at least two years civilian or military work experience in the telecommunications and/or automated information systems field that are comparable to one of the requisite degree fields. , Even here, Snowden in no way qualified. He did not have the education qualifications or two-year work experience anywhere. In fact, his only paid work was as a security guard at a language school at the University of Maryland, and that job lasted less than one year.

Under extraordinary circumstances, even the minimum requirements might be waived if the applicant had a distinguished military career and an honorable discharge. Snowden, however, did not complete his military training at Fort Benning, Georgia and received only an administrative discharge.

The CIA, to be sure, had needed computer savvy recruits to service its expanding array of computer systems since 1990. By 2006, however, there was no shortage of fully-qualified applicants for IT jobs who met the CIA's minimum standards. Most of them had university course records, work experience at IT companies, computer science training certificates from technical schools, and other such credentials they could provide the personnel office. The CIA, like the NSA, also obtained technicians with special skills for IT jobs from outside contractors. So it had no need for employing a 22-year old drop-out who did not meet its requisites. According to the former CIA station chief, the only plausible way that Snowden, with no qualifications, was allowed to jump the queue was that "he had some pull."

In 2006, Snowden was not without family connections. His grandfather, it will be recalled was Rear Admiral Barrett, who certainly was well-connected in the intelligence world. After 20 years service in the Coast Guard, Admiral Barrett joined an interagency task force in 1998, which included top executives from the CIA, FBI, and DEA. It had been set up to monitor any gaps in the US embargo on Cuba and, as one of its leaders, Barrett was in constant liaison with the CIA. Following the attack on the World Trade Center in NY in 2001, he joined the FBI as the section head of its aviation and special operations. In this capacity, he supervised the joint CIA/FBI interrogation of the prisoners in the Guantanamo base in Cuba which involved him in the rendition program for terrorist. As a top FBI executive in a liaison role with the CIA, he certainly had could have played a role in furthering his only grandson's employment. The CIA, however, has not disclosed any information about whom, if anyone, recommended Snowden. All that is known is that in 2006 the CIA waived its minimum requirements for Snowden.

However Snowden got his job at the CIA, it meant, as he pointed out from Moscow, that in 2006 his entire family was employed by the Federal government. His father Lon in 2006 was serving in the Coastguard; his mother Wendy was the administrative clerk for the Federal Court in Maryland; his sister Jessica was a research director at the Federal Judicial Center; and his namesake grandfather, Admiral Barrett, was still a top executive at the FBI. In a sense, Snowden had now entered the family business.

Chronology2: The Snowden Thriller

The Intelligence World, 2006-2014

June2006-Feb 2007 CIA

Trainee, Langley, Virginia

March 2007- Feb 2009 CIA

Communications officer. Geneva, Switzerland

June 2009-Sept 2010 DELL/ NSA

Security instructor, Yokoda. Japan

October 2010- March-2012 DELL/ NSA

Computer platforms, Maryland–designing computer platforms

April 2012- March 2012 DELL/ NSA

System administrator, Oahu, Hawaii

M arch 2012– May 2013 BOOZ ALLEN HAMILTON/ NSA

Infrastructure analyst, Oahu, Hawaii

October 2013– Present Unidentified Cyber Security Firm

Unknown position, Moscow, Russia

CHAPTER FOUR

Secret Agent

"Sure, a whistleblower could use these [computer vulnerabilities], but so could a spy."

--Edward Snowden in Moscow

The sudden transformation of Snowden in 2006 from a night watchman on a university campus to secret agent for the CIA provided him with a powerful new identity and one much closer to the avatars he adopted for his fantasy games. It was burnished so deeply in his self-image that he cited it eight years in Moscow. When Brian Williams, then a NBC anchorman, began an hour-long NBC television interview with Snowden in 2014 by saying, "It seems to me spies probably look a lot more like Ed Snowden and a lot less like James Bond these days," Snowden approvingly smiled and told him, "I was trained as a spy in sort of the traditional sense of the word." Snowden further confirmed his interviewer's point, sating "I lived and worked undercover overseas, pretending to work in a job that I'm not, and even being assigned a name that was not mine."

In reality, Snowden's employment at the CIA was more prosaic. When he joined the CIA in 2006, he did not have the required experience in maintaining secret communication systems. So the CIA sent him to its information technology school for six months to train as a communications officer, not a spy. After completing his training, he was dispatched to the CIA station in Geneva, Switzerland. He worked there for the next two years as one of dozens of Information Technologists servicing the CIA's communication channels in Switzerland. He was stationed there, according to Swiss registry records, under his own name from March 2007 to February 2009. He was identified as a US State Department employee in Geneva because Switzerland does not allow any intelligence officers to operate in that country. So officially he was attached to the permanent U.S. mission to the United Nations which employed hundreds of US government functionaries in Switzerland. It was a thin cover, since the Swiss government was aware that the CIA maintained its base in Geneva and posted it employees at the US mission,

Although he would later claim in the video he made in Hong Kong that he had served as a "senior adviser for the Central Intelligence Agency," he was merely a telecommunications support officer, or TSO in CIA parlance, which was a junior level job at the CIA. He worked as part of a 12 man team of information technologists under the supervision of senior CIA officers, according to a former CIA officer in Geneva. The job of these TSOs was to protect the security of the CIA's computer systems through which the CIA station in Geneva sent and received its secret communications. As far as is known, Snowden made very few friends at the 800-person mission. The only person there to have publicly reported knowing him in Geneva during this

period is Mavanee Anderson, a young and attractive summer intern at the US Mission from May to August 2007. She described befriending Snowden, who, according to her, said that he was in the CIA and also demonstrated to her his martial arts skills. She later recalled in interviews that he was "a bit" prone to brooding and voiced growing dissatisfaction with the CIA.

During his time in Geneva, he received no promotions or commendations for his work. In December 2008, he received an unfavorable evaluation from his superior and a "derog," the CIA's shorthand for a derogatory comment. He was also threatened with a punitive investigation unless he agreed to quietly resign from the CIA. "It was not a stellar career," Tyler Drumheller, former CIA station chief told me in 2014.

The job in Geneva did have its benefits, however. It provided him a generous housing and travel allowance. In many ways, it was the "cushy government job" he had said he was seeking in his Internet posts. He rented a four room apartment and had his girlfriend Lindsay Mills, now 21, join him there.

According to his posts on the *Ars Technica* web site, he took full advantage of his compensation to live the high life. He gambled on financial developments in the option markets, losing and making substantial sums of money. He also bought a BMW sports car. While these BMW had a speed control to keep the car within the speed limit, he wrote that he illicitly disabled it so he could exceed this legal limit. He described in his posts other pursuits, including racing motorcycles it Italy and traveling around Germany with an Estonian rock star (who he did not further identify.) He also continued his fantasy life in Internet gaming. The gaming alias he chose was "Wolfking Awesomefox." He even indulged in a fantasy gun sport called Airsoft, a variation of paint ball, in which participants used realistic looking pistols to splatter each other with paint.

His good fortune came to an abrupt end in 2008. He suffered a massive loss in his options speculations. He wrote in a post that he had "lost $20,000 in October [2008] alone;" a sum which represented a substantial part of the $66,000 a year CIA salary. He blamed the US financial system, posting on *Ars Technica* that Ben Bernanke, the Federal Reserve chairman, was a "cockbag." He also bet against any further rise in the stock market index, asking a user with whom he was chatting on the *Ars Technica* site in December 2008 to "pray" for a collapse of stock prices. When his correspondent asked him why he wanted him to pray for a decline, Snowden responded "because then I'll be filthy fucking rich." The stock market, however, continued to rise, and Snowden also lost this bet.

Snowden lashed out at others on the Internet over these setbacks. He termed those who questioned his financial judgment as "fucking retards." As with other setbacks, he blamed them on government officials. He even advertised them in *Ars Technica,* a closely-watched Internet forum, while serving in the CIA. Since the CIA was engaged in 2008 in highly sensitive operations to gather banking data in Switzerland-- one of which Snowden later disclosed to the *Guardian*—any Internet discussion by a CIA employee of financial losses could serve as a beacon

to an adversary intelligence services on the prowl for a source. If any party was looking for a disgruntled US employees, Snowden's Internet chatter about bad choices in gambling could arouse its interest. That Snowden used his TheTrueHooHa alias for these Internet posting would not prevent a sophisticated espionage organization, such as the Russian Intelligence service, from quickly uncovering that his true identity was Edward Snowden. Nor would it be difficult to place him at the CIA since, it will be recalled, he was listed by his true name on the roster of the US Mission to the UN. By consulting personnel records it would further emerge that he did not actually work for the State Department. Since it was no secret, at least to the Russian Intelligence services, that the US mission in Geneva housed the CIA station for all of Switzerland, it was probable that this brittle gambler who played the options market worked for the CIA. Even though it cannot be precluded that Snowden was spotted in Geneva by another intelligence service, there is no evidence, at least that I know of, to suggest that he was approached by one. Nor is there reason to believe that if he had been contacted by a foreign service in 2008, he would have responded positively. Despite his indiscreet posting about his outside activities, he apparently still respected the boundaries of secrecy that had been clearly defined in the oath he had taken in the CIA. For example, after the *New York Times* published an article revealing secret American intelligence activities in Iran on January 11, 2009, Snowden railed against the newspaper on the Internet under his True HOOHA alias, He wrote "This shit is classified for a reason… It's because this shit won't work if Iran knows what we are doing." He clearly recognized that revealing intelligence sources was extremely damaging. As for the *New York Times*, he said "Hopefully they'll finally go bankrupt this year." When another Internet user asked him if it was unethical to release national security secrets, he answered,"YEEEEEEEEEES."

Nevertheless, he had his career-ending problem at the CIA. As with every CIA officer, he had to undergo a two year evaluation and take a routine polygraph test. It was then, in December 2008, that his superior at the CIA placed the "derog" in his file. The reason remains somewhat murky. According to a New *York Times* story by veteran intelligence reporter Eric Schmitt, Snowden's superior had suspected that Snowden "was trying to break into classified computer files to which he was not authorized to have access." Schmitt evidently had well-placed sources in the CIA. He said that he interviewed two senior American officials who were familiar with the case. According to what they told Schmitt, the CIA superior had decided to "send Snowden home." Officially, however, according to a CIA reply to the *New York Times* report, Snowden had not been fired or accused of attempting to "break into classified computer files to which he did not have authorized access." The discrepancy was explained to me by a former CIA officer who had also been at the US Mission in Geneva. He said that the spin the CIA put on the story was "necessary containment." After the Snowden breach occurred in June 2013, the CIA had a problem which could, as he put it, "blow up in its face." If Snowden had been fired but allowed to keep his secrecy clearance in 2009, the CIA's incompetency could be partly blamed for the NSA's subsequent employment of him. If he had broken into a computer he was not authorized, he should have been fired, if not arrested. What this spin glossed over, according to this former CIA officer, is the part of Snowden's behavior that concerned his superior. Technically,

Snowden, as a CIA communications officer, was authorized to use the computer system. The problem was that Snowden had deliberately misused it by adding code to it. This code could have compromised the security of the CIA's "live system." So while what the CIA public affairs officer said was correct, it clouded the issue.

For his part, Snowden blamed his career-ending "derog" on an "e-mail spat" with a superior. From Moscow, he wrote James Risen of the *New York Times* that his superior officer ordered him not "to rock the boat." Further, he complained that the technical team at the CIA station in Geneva had "brushed him off" even though he had a legitimate complaint. When he complained about a flaw in the computer system, he said that his superior took vengeance on him. He said he added the code to the system prove he was right. He attributed the "derog" in his file to the incompetence, blindness and errors of his superiors. According to Snowden, he was a victim. This would not be the last time he faulted superiors for their incompetency. He would later say that the NSA experts who examined the documents that he had stolen as "totally incapable."

In any case, in February 2009, Snowden not only had a career-damaging "derog" in his file but he faced an internal investigation of his suspicious computer activities. According to Tyler Drumheller, the former CIA chief for Europe, such an internal investigation was not undertaken lightly or because of an "email spat." He said that such an investigation was "a big deal" involving the CIA Office of Security in Washington and possibly the FBI. It would also result in the temporary suspension of his secrecy clearance. This left Snowden with little choice. If he wanted avoid the investigation, he had to resign from the CIA, which he did. That was the end of the security investigation. He was clearly bitter about the CIA, posting on *Ars Technica* on January 10, 2009, "Obama just appointed a fucking POLITICIAN to run the CIA!" (He was referring to Leon Panetta, President Clinton's former chief of staff.) Snowden attributed the origins of his antipathy to US intelligence to his 2007-2009 experiences in the CIA. Snowden later told *Vanity Fair* that the 2009 incident in the CIA convinced him that working "through the system would lead only to reprisals." "Much of what I saw in Geneva really disillusioned me about how my government functions and what its impact is in the world," he told the *Guardian* in June 2013. "I realized that I was part of something that was doing far more harm than good." Snowden, if not yet a ticking time bomb, was certainly a disgruntled intelligence worker before he ever got to the NSA

CHAPTER FIVE

Contractor

"Private contractors don't clear employees. The government does."--
Admiral Michael McConnell, Vice Chairman of Booz Allen Hamilton

Snowden, age 26, returned from Europe and moved into his mother's condo. He was not only unemployed now, having resigned the CIA without qualifying for any benefits, but his financial state had been hurt by the huge losses he had suffered playing the options market in Geneva. His vision of himself as a secret agent, the unstoppable "Wolfking Awesomefox" may have also suffered. According to the narrative he later supplied to the *Guardian*, he had become deeply concerned about the immoral way in which the CIA conducted its intelligence operations in Switzerland. "Much of what I saw in Geneva really disillusioned me about how my government functions and what its impact is in the world. I realized that I was part of something that was doing far more harm than good," Snowden told the *Guardian.* By way of example, he said he learned that the CIA had gotten a Swiss banker drunk enough arrested to be arrested when he drove, so the CIA could compromise him. Snowden, who did not drink himself, was appalled at this ploy. Despite his growing antagonism towards the US government, he had not given up on, if not becoming a secret agent, working in the netherworld of secret intelligence.

Although Snowden's career had abruptly ended at the CIA, there still was a backdoor through which he could re-enter the spy world. It was private corporations that hired civilian technicians to work for spy agencies as independent contractors. By 2009, The CIA, NSA and other US intelligence services had outsourced much of the job of maintaining and upgrading their computer systems to these private companies. They supplied the NSA with most of its system administrators and other information technology workers. This arrangement allowed the NSA to effectively bypass budget limits and other restrictions limiting how many NSA technicians it could recruit. Instead, of putting these workers on its own payroll, they nominally worked for, and received their paychecks from, private employers. In fact, many of these outside contractors worked full-time for the NSA.

Snowden applied in April 2009 to one of these private companies, Dell SecureWorks. It was a subsidiary of the Dell computer company. To diverse out of manufacturing computers, Dell had recently gone into the business of managing government computer systems for the NSA and other intelligence services. As a leading specialist in the field of corporate cyber security, Dell had no problem obtaining sizable contracts for from the NSA's Technology Directorate. In 2008, the NSA had in effect outsourced to Dell the task of re-organizing its back-up systems at its regional bases. Now Dell had to find thousands of independent contractors to work at these bases In 2009, when Snowden applied, Dell was seeking to fill positions at the NSA's regional base in

Japan. It first had to find technicians willing to go to Japan. Since Snowden had a long-time interest in going to Japan, he was more than willing to relocate to Japan.

He had little problem obtaining the job. Aside from his family connections, he had a single compelling qualification for the job—a top secret clearance. For an outside contractor such as Dell, such a security clearance was pure gold. If a potential recruit lacked a top secret clearance, before Dell could deploy him or her at the NSA, it needed a wait for the completion of a time-consuming background check. If a recruit already had one, as Snowden did, he could begin working immediately.

The reason that Snowden still had his secrecy clearance, despite his highly-problematic exit from the CIA, was that the CIA had instituted a policy a few years earlier that allowed voluntarily-retiring CIA officers to keep their secrecy clearance for two years after they left. This "free pass," as one former CIA officer called the two year grace period, had been intended to make it easier for retiring officers to find jobs in parts of the defense industry that required secrecy clearance. This accommodation, in turn, made it easier for the CIA to downsize to meet its budget.

Not only did Snowden retain his security clearance, but unlike when he had applied for his job at the CIA in 2006, he now could list on his resume two years experience in information technology and cyber security at the CIA. All Dell could check was a single fact: Snowden was indeed employed at the CIA between 2006 and 2009. His CIA file, which contained the "derog," was not available to Dell or any other private company. Even though the CIA had "security concerns" about Snowden, as CIA Deputy Director Morell noted, it could not convey them to either Dell or the NSA. "So the guy with whom the CIA had concerns left the Agency and joined the ranks of the many contractors working in the intelligence community before CIA could inform the rest of the IC about its worries," Morell explained. "He even got a pay raise." Obviously, this was a glitch in the security system but, as a result of it, Snowden entered the NSA by the back door only five months after being forced out of the CIA.

For the next 45 months Dell assigned him various IT tasks at the NSA. In June 2009, he was sent to Japan to work in the NSA complex at the Yokota air base outside Tokyo. He moved into a small one bedroom apartment in the nearby town of Fussia. His initial job for Dell was teaching cyber security to Army and Air Force personnel. In this capacity, he instructed US military officers stationed at the base in how to shield their computers from hackers. Such security training had been required for military personnel dealing with classified material after several successful break-ins to US military networks by China, Russia, and other adversary nations. Although it finally brought him to Japan, it was not a challenging or interesting job.

But Snowden found diversions in Japan. In July 2009, he was joined in Japan by Lindsay Mills. She had become an amateur photographer, specializing in arty self portraits. She also saw herself as a global tourist, writing in her blog after arriving in Japan that had she travelled to 17

countries. Like Snowden, she also deemed herself, tongue and cheek, a "super hero." In this sense, her Internet avatar, was a match for Snowden's "Wolfking Awesomefox,"

In Japan, Mills and Snowden spent time with another American couple, Jennie and Joseph Chamberlin, who also worked at the Yokota base. Jennie, a sergeant in the public affairs section of the US Air force, had been at Art College with Mills, and called herself in her blog the "Little Red Ninja." Her husband, Joseph Chamberlin was a decorated US Navy pilot who now flew highly-sensitive intelligence-gathering missions from the Yokota base. When Lindsay Mills arrived she made contact with Jennie, who in the next few weeks showed her many of the sights of Tokyo. Jennie described Lindsay in her blog as her "super-model friend." The two couples also went on expeditions in Japan together. Joseph Chamberlin had a car and, as far as is known, he and his wife were the only Americans at the base with whom Snowden socialized. On August 17, 2009, the foursome attempted to walk up Mount Fuji, but they got lost en route to the tourist site. Giving up on Mount Fuji, they wound up in the Mount Fuji gift shop. Jennie described the misadventure in her Little Red Ninja blog: "Our adventure started off a little rocky with our attempts to find the interstate. Alas, our iconic mountain was obscured by cloud. A short stop at the Mt. Fuji combination soba noodle stand/gift shop was enough to whet our appetite for the further exploration that is to come." The photographs that day show Snowden wearing Hawaiian shorts, and a black tank top emblazoned with an eagle and the letters USA. They also show Mills wearing safari shorts, a brown sweater and what appears to be an engagement ring (possibly to allay suspicions about her living with Snowden.) "Ed was looking rather rednecky," Lindsay commented on one the photograph. Snowden described her, in turn, as "nerdy." Finally, after posing for photographs, they found the Suyama-guchi path. But they never made it to the top.

Back in Tokyo, Snowden was still seeking to advance himself. He attempted to get a college certificate by enrolling in a summer on-line course at the University of Maryland's Asia program. But, according to the program's record, he did not succeed in receiving any credit or a certificate from the on-line University.

Finally, in October 2009, Dell assigned Snowden a job in which he had direct access to the NSA's computers. His new position was a system administrator, which is essentially a tech-savvy repairman. Dell was working on backup system code-named EPIC SHELTER. For this contract, Dell was transferring large chunks of data from the NSA's main computers in Maryland to back-up drives in Japan so if there was a communications interruption the system could be quickly restored. Since most of the classified data was in its encrypted form, it had little value to any outside party. Snowden's job was to maintain the proper functioning of computers but, as a system administrator, he also had privileges to call up unencrypted files. He sat in front of a computer screen all day looking for any problems in the transferring files to back-up servers. The work was highly-repetitive and exceedingly dull. Snowden found time to search for anomalies in the system and he claimed to have spotted a major flaw in the security system in late 2009. The flaw was that a system administrator in Japan worked as a singleton and could steal secret data

without anyone else realizing that it had been stolen. It intrigued him enough for him to bring it to the attention of his superiors, as he later said. Snowden saw that a rogue system administrator like himself could use his computer privileges to download and steal documents in ways that would go unnoticed. The emergence of a rogue system administrator was not that farfetched in 2009. Hacktavists such as Julian Assange had adopted the battle cry: system administrators, or "syst admins of the world unite." Instead of asking them to "throw off their chains," as Marx did, he asked them to send classified documents about secret government activity to the Wikileaks site. Snowden recalled in Moscow in 2014: "I actually recommended they [the NSA] move to two-man control for administrative access back in 2009." To make his point even clearer, he added: "A whistleblower could use these things, but so could a spy." Not without irony, Snowden himself became that rogue system administrator some three years later at Dell. In fact, he later used the vulnerability he pointed out to steal NSA documents at Dell (before moving to Booz Allen.).

In September 2009, Snowden made a ten day trip to India. He later said he was on an official visit "working at the US embassy." He was still on the Dell payroll. Hotel records show that he arrived at the Hyatt Regency hotel in New Delhi on September 2nd from Japan, and at 3:30 pm on September 3rd, checked into the Koenig Inn, a facility that was an annex to Koenig Solutions, a school that gave crash courses on programming and computer hacking. According to Rohit Aggarwal, the head of the school, Snowden stayed there until September 10th while taking classes with a private instructor. It cost $2,000 in tuition and fees, which Snowden prepaid from Japan with his own personal credit card. Even though Snowden later said he only took courses in "programming," the school's records show that during that week he took intensive courses in sophisticated hacking techniques. Although the course was entitled "ethical hacking" that was also a euphemism for teaching the techniques of illicit hacking. The course provided tutoring on hacker's tools, such as "Spyeye" and "ZeuS," that are used to circumvent security procedures. It also demonstrated how these hacking tools could be customized by criminals and spies to break into files, plant surveillance programs, impersonate system administrators, assume the privileges of system administrators in a network, and capture the passwords of others. On September 11th, Snowden, according to hotel records, left India for Japan. While the stated purpose of the hacking training was to allow security consultants to detect intruders, it also prepared Snowden to be, if he chooses to be, an intruder in the NSA system.

One problem with working as a contractor is that the standard two-year contracts are not necessarily renewed, making a contractor's job essentially temporary employment. Nor is there much possibility for advancement for IT workers. As one contractor told me "It is a dead end job with great pay." In the fall of 2010, Snowden's contract in Japan with Dell SecureWorks came to an end. Dell then offered Snowden a new position in the United States.

He now was assigned to work at Dell headquarters in Annapolis, Maryland. He rented a modest suburban house shaded by a Sakura cherry tree in suburb of Annapolis, Maryland. Mills

meanwhile was attending a two-week fitness training course at a Yoga camp that qualified her to be a yoga instructor. She then moved in with Snowden. Even though she had been living on and off with Snowden during the past two years abroad, including while he worked at the CIA in Switzerland and the NSA in Japan, they had not shared a home in America up until now. The now 25-year old Mills posted on Instagram "Finally in our first US place together." She also put on line pictures of him in bed with her, who she now affectionately referred to in her posts as a "computer crusader."

Dell meanwhile had him to work on problem- solving for its corporate clients. In preparation for his corporate role, he shaved off this facial hair and, with Lindsay's help, bought a Ralph Lauren suit. These corporate clients were assisting the NSA, the CIA, and the Defense Intelligence Agency (DIA). Consequently, Snowden dealt with a wide range of intelligence officers, and gave presentations on the vulnerabilities at computer security at the DIA-sponsored Joint Counter Intelligence seminar.

His dealings with these US intelligence officers in no way mitigated his resentment of the intelligence establishment. What began at the CIA in 2009 as objections to what he saw as the incompetence of his superiors grew into well-articulated disapproval of the way that the US government conducted its intelligence. He found NSA surveillance particularly worrisome, later telling the *Guardian*: "They [the NSA] are intent on making every conversation and every form of behavior in the world known to them." He claimed after defecting to Moscow that he had voiced his concerns about what he considered illicit surveillance to ten NSA officials, "none of whom took any action to address them." The NSA can find no record of these complaints but if Snowden had indeed complained to these officials while working for Dell, his superiors at Dell either didn't notice or care that they had a very disgruntled employee on their hand. He also made no secret of anger at the US government and the corporations that served it on the Internet. He railed on the *Ars Technica* site against the complicity of private corporations, such as Dell, that assisted the NSA. In his on-line posts in 2010, Snowden expressed loathing for the assistance that corporate America was providing the intelligence community. "It really concerns me how little this sort of corporate behavior bothers those outside of technology circles," he wrote under his True Hoo-ha alias. He said he feared that America was already on "a slippery slope," and suggested, perhaps adumbrating his own later actions, that this corporate assistance to US intelligence "was entirely within our control to stop." What the "computer crusader," as Mills had playfully called him in her Internet postings, expressed in these angry Internet postings was an almost obsessive concern over individuals freely submitting to government authority. "Society really seems to have developed an unquestioning obedience towards spooky types," he wrote on *Ars Technica* without mentioning that he himself worked for a corporation, Dell that assisted spy agencies. He asked rhetorically on this public forum whether the sinister slide towards a surveillance state "sneaked in undetected because of pervasive government secrecy?"

The outright contempt he expressed towards this "government secrecy" in no way prevented him from seeking even more secret work at Dell for the intelligence services. In February 2011,

after his CIA security clearance ran out, he applied to renew it. A new clearance required a new background check and filling out (again) the government's 127-page standard form 86.

Since 1996, background investigations for the NSA, like much of the computer work at the NSA, had been outsourced to a private company. It had proceeded from the effort of the Clinton Administration to cut the size of the government by privatizing tasks that could be more efficiently done by for profit companies. US Investigations Services, or USIS as it is now called, which won the contract for background checks, was initially owned by the hedge fund Carlyle Group who later sold it to another hedge fund, Providence Equity Partners. For the hedge funds, profits were the measure of success. To increase its profits from the contract with the NSA, USIS had to move more quickly in concluding background checks since it did not get paid more extensive investigation. In 2006, the government learned USIS's background checks were often prematurely ended. In Snowden's case, as USIS did not have access to Snowden's CIA personnel files, it did not learn about the pending security investigation of him. Nor did it learn from the Internet that he was a disgruntled employee. So Snowden's new clearance was approved in the summer of 2011, allowing him to continue working for Dell on secret intelligence projects.

Meanwhile, in August 2011, Mills began her own blog entitled "L's Journey." In it, she described herself as "a world-traveling pole-dancing super hero." By now, she was an accomplished photographer, specializing in taking self-portraits. Many of her posted pictures were provocative poses of herself in her underwear and various states of undress. She wrote: "I've always wanted to be splashed on the cover of magazines, with my best air-brushed look." Her wish would be gratified two years later in way she did not anticipate.

For his part, Snowden seemed happy to encourage her fantasy about being a super hero. He even gave her a Star-Trek-inspired head visor. Despite all the concerns he voiced about privacy, he did not seem to mind her provocative posts. On the contrary, he took photographs of her, telling her, at one point, that her photographs were not "sexy" enough.

Snowden meanwhile got offered by Dell a new position at an NSA Kunia regional base in Hawaii. Dell, which was in the process of expanding its government consulting business, wanted him to be a system administrator on the NSA's back-up system. The NSA needed this system before it could upgrade new security protocols that would audit suspicious activity in real time. In Hawaii, as in Japan, system administrators still worked as singletons. As Snowden had seen when working in Japan this solo work in an unaudited workplace provided an opportunity for a system administrator like himself to steal documents. So he may have also realized that as a solo system administrator in Hawaii, he would have this opportunity.

In any case, on March 15, 2012, he accepted the offer. Dell agreed to pay all his relocation expenses and provide him with a housing allowance.

He found a 3-bedroom house in Hawaii on-line, and arranged to move there on April 2, 2012. 1t was located at 94-1044 Eleu Street in the upper-middle class suburb of Waipahu, only a few

blocks from the Royal Kunia country club. It had a master bedroom with a walk-in closet, a patio deck in back shielded from public view by a clump of palm trees and a large garage with an automatic door. The move to Hawaii entailed a brief separation from his girlfriend since Mills had committed her to attending her girlfriend's wedding in May. After he left for his new assignment, she wrote on Instagram, "Sex toy party and then saying goodbye to my man -- well not goodbye so much as see you in two month/s."

CHAPTER SIX

Thief

"We begin by coveting what we see every day"

—Hannibal Lecter, *The Silence of the Lambs*

In Hawaii in 2012, Snowden was living a very comfortable life. He was earning from Dell just over $120,000 a year. His housing allowance from Dell paid the rent on his 1,559 square-foot house. He had also leased a sporty car. Looking back at this period of life from Moscow, he said he had been "living in paradise."

He went to work five times a week, a 15 minute trip drive through a lush landscape with sugar plantations. After passing through security, he parked his car in a sprawling parking lot, and entered the underground part of the NSA base known as "the tunnel." He said in describing the atmosphere, "You're in a vaulted space. Everybody has sort of similar clearances, everybody knows everybody. It's a small world." He said that to relieve the tediousness of the work, every two months or so his fellow workers would pass around a naked picture that showed up on their screens. He explained: "You've got young enlisted guys, 18 to 22 years old [who] suddenly been thrust into a position of extraordinary responsibility where they now have access to all of your private records. In the course of their daily work they stumble across … an intimate nude photo of someone in a sexually compromising position." Snowden, as will be recalled, was no stranger to posting lewd photographs. Before he joined the CIA, he had posted pictures of himself mooning on the Internet. He also knew that copying any files, including photographs, was a violation of NSA rules. But he did not report this illicit activity at the NSA even though he later claimed that it occurred regularly. He joked in his Moscow interview with the *Guardian* that some of the nudes were "extremely attractive" and that viewing them was, as he put it, "a sort of the fringe benefits of surveillance positions."

Snowden also had an interest in American politics. He identified with the Libertarian Party, and at the NSA he made no effort to conceal his political support of its causes. He became an active partisan of Congressman Ron Paul, the leading figure in the Libertarian Party in 2012. "He's so dreamy," Snowden posted on the *Ars Technica* site in March 2009 (just after he registered to vote in North Carolina.) Since Paul was running as a Presidential candidate in the 2012 Republican primaries, Snowden sent the Paul election committee a contribution of $500. Snowden's attraction to the Libertarian ideology of Ron Paul was not that surprising. At the core of Paul's libertarianism was a deep hostility to the intrusion of the government into private lives. Snowden shared this same hostility towards government authority, as was clear from his Internet postings. Like other libertarians, Snowden believed that citizens should not be shackled by

Federal law. He later told a Libertarian gathering, at which Ron Paul also spoke, "Law is a lot like medicine. When you have too much it can be fatal." Paul also ardently opposed any form of gun control. Not only did Snowden support this position in his Internet postings, but so did his girlfriend Lindsay Mills in her own on-line postings.

Most relevant to his future activities at the NSA, Snowden whole-heartedly agreed with the position of Paul on the dangers inherent in government's surveillance of US citizens. Paul described the CIA, the organization which had forced Snowden out, as nothing short of a "secret government" and that "In a true Republic, there is no place for an organization like the CIA." He also railed against NSA surveillance.

As is clear from Snowden's Internet postings, he, like Ron Paul, expressed doubts about the competency of the intelligence agencies of the U.S. government. Snowden's own disillusionment about the government may have begun with his rejection, and perceived mistreatment, by the Special Forces of the US Army. It was almost certainly reinforced by his ouster from the CIA. He later told the *Guardian* that he was disillusioned as early as 2007 when he learned about the CIA's methods in compromising Swiss citizens. He also told the *New York Times* after he arrived in Moscow that he came to realize while working in the CIA that any attempt redress these wrongs against him by working through the system would only lead to further punishment for him. His critical view of the US government only hardened during the years he worked at the NSA. He described his NSA superiors as "grossly incompetent," as he later explained to a journalist from *Wired* magazine in Moscow. At the NSA, he said employees were kept in line by "fear and a false image of patriotism." He said that he saw his fellow workers cowed into "obedience to authority" and his superiors induced to break the law. He became particularly concerned with what he called the "secret powers" of the NSA. He saw them as "tremendously dangerous." By this time, Snowden was fully aware that that the NSA conducted domestic surveillance because he had used his privileges as a system administrator in 2012 to obtain the NSA's inspector general's report on a 2009 surveillance program.

Nevertheless, Snowden continued to work at the NSA, where he was, as he put it, "making a ton of money." Mills joined him in his "paradise" in June 2012, shortly before his 29th birthday. Just before leaving Annapolis, Maryland for Hawaii, Mills posted a semi-nude picture of herself on her blog, "L's Journey." In it, her face was covered with a blanket. The caption under it read: "Trying to avoid the changes coming my way." In Honolulu, she found "E," as she called Snowden in her blog, "elusive." She found that he preferred to stay at home and avoided meeting other people to the point that her friends "were not quite sure that E. existed." At best, one of Lindsay's friends in an acrobatic class caught a glimpse of Snowden picking her up one afternoon. Even though Mill's dated Snowden for eight years, most of her friends, with the exception of Jennie and Joe Chamberlin in Japan, had never met Snowden. If he had other social interactions in Hawaii, no one he met came forward and spoke of meeting him even after he became world famous.

Two days after his 29th birthday dinner on June 21st, she described him playfully as a "goof." She wrote in her blog:"The universe is telling me something and I'm pretty sure it's saying get out, Fuck you Hawaii." In early July, she summed up her shaky situation with Snowden, in another blog, writing: "I moved to Hawaii to continue my relationship with E. [but] it has been an emotional roller coaster since I stepped off the plane." She also found it odd that Snowden would work on his computer at home hooded under a blanket, as she would later tell the FBI. She diverted herself by organizing a pole dancing studio in the 400 foot garage of the house. She also joined a New Age yoga studio called "Physical Phatness," a local acrobatic performance group, and, on Friday nights, pole-danced at the Mercury lounge in downtown Honolulu.

That same July, Snowden had other things on his mind, including an attempt to advance himself. Although his position at Dell as a system administrator was a well-compensated one, especially for a 29 year old with no formal education, it carried little prestige. He sat from 9 AM to 5 PM in a windowless room watching a bank of monitors in the so-called "tunnel" at the NSA. Many of those who worked him were, as he described them, "eighteen year old soldiers. Presumably, they had little interest in discussing with him the weightier issues of the world. Working as an outside contractor was also a dead-end job that hardly matched the vision he had of himself in his Internet postings. In real life in a cubicle in the NSA, he decidedly was not the "Wolfking Awesomefox" heroic image he had of himself in his dream vision.

Whatever his motive, he decided to apply for a position in the NSA itself. He apparently believed that if he scored high enough in its entrance exam, the NSA would invite him to join it as a Senior Executive Service officer, or SES, which was the civilian equivalent in rank and pay to a flag officer in the US armed forces. To achieve this SES job, Snowden used his privileges as a system administrator at Dell to hack into the NSA's administrative files and steal the answers to the NSA exam. As the NSA's subsequent post mortem would find out, it was the first known document that Snowden took at the NSA. But it was not the first time he had used his hacking skills to attempt to advance himself. At the CIA in 2009, as he late said in Moscow, he had added text to his annual evaluation in what he termed "a non-malicious way" to prove a point. His CIA superior took a much darker view of that incident when the hack was detected, calling for an investigation that, it will be recalled, ended Snowden's CIA career. At the NSA his intrusion, however, was not detected for almost a year. "He stole the [NSA] test with the answers, and he took the test and he aced it," former NSA Director Michael McConnell recounted in a 2013 interview, "He then walked into to the NSA and said you should hire me because I am this good on the test." The issue of why he attempted to gain entry into the upper ranks of the NSA in the late summer of 2012 is less clear. If his Internet posting and Libertarian riffs are an indication of his state of mind in 2012, he was hostile to the surveillance activities of the NSA. If so, it made little sense he would seek a permanent career in the NSA. If this attempted career is considered in light of the career move he made six months later in March 2013 which, as he himself admits, was for the express purpose of getting at tightly-held documents stored on computers that were not

available to him in his job at Dell, he may have been seeking wider access in 2012 for a more nefarious purpose than a NSA job.

In any case, despite the near-perfect high grades he scored, the NSA did not offer him a position in the senior executive service job. While Snowden may have believed such results would elevate him, the NSA's offer did not meet his expectations. "It was totally unrealistic for Snowden to expect to get a SES position," a former senior NSA officer told me. Snowden ambitions may have been disappointed in this instance, but it did not prevent him from later claiming that he had been a senior adviser to the CIA and also a senior adviser to the Defense Intelligence Agency.

Instead of an SES position, the NSA offered a lowly G-13 job as an information technology worker, which was not an improvement on his job at Dell. He took this slight as evidence of the NSA's incompetence, subsequently joking to a reporter in Moscow that his ability to steal the test answers should have been seen as a qualification for the NSA job. In September 2012, he turned down the NSA offer. If he was to advance himself now, he had to find a new way.

CHAPTER SEVEN

Crossing the Rubicon

"What I came to feel is that a regime that is described as a national security agency has stopped representing the public interest and has instead begun to protect and promote state security interests. "

--Edward Snowden, interviewed in Moscow 2014

Soon after Snowden failed to get a SES job at the NSA, he intensified his rogue activities. At that time, Dell was tasked with building an enhanced backup system for the NSA in Hawaii. Deputy Director Ledgett explained that part of Snowden's job as a system administrator under contract to Dell was transferring files held at Fort Meade to back-up computers in Hawaii. He "was moving copies of that data there for them, which was perfect cover for stealing the [NSA] data." Snowden took advantage of this cover.

Snowden expanded his own rogue operation, as Ledgett reconstructed the breach, through the fall and winter of 2012. There was little risk of him getting caught. The security measures at the Hawaii base presented no obstacles to him since, as a system administrator, he had privileges that allowed him to copy documents that had not been encrypted. Indeed, it was part of the process of building the backup system. The flaw he had pointed to in Japan in which system administrators working solo could safely steal files also existed in Hawaii. This time, however, instead of bringing it to the attention of the NSA, he used it to himself steal files. He could be confident that his 2012 thefts of documents would go undetected because the NSA's base had not yet installed an auditing system. Such real-time auditing of the movement of documents, which was done at NSA headquarters in Fort Meade and most of the NSA's regional facilities, had not yet been installed at the Hawaii base because a lack of bandwidth prevented the safe upgrading of the software. This auditing software was scheduled to be installed after the backup system was completed in 2013. The Kunia base was one of the last NSA bases which did not monitor suspicious transfers of files on a real-time basis. Snowden certainly was certainly aware of this deficiency. He later pointed out in his interview in *Wired* magazine in Moscow that the NSA base where he worked did not have an "audit" mechanism. This security gap allowed Snowden, using his system administrator's credentials, to copy classified data to a thumb drive without anyone being able to trace the copied data back to him. And, according to the NSA's subsequent damage assessment, he stole many thousands of pages while working for Dell in 2012 before he contacted journalists. Deputy Director Ledgett subsequently reported that the NSA analysis the 58,000 documents that were given by Snowden to journalists in June 2013 showed that most of them were taken by Snowden while he was still working at Dell.

This 2012 theft was made even more serious by the interconnection of NSA computers with those of other intelligence agencies. It will be recalled that prior to the 9/11 attack in 2001, NSA data had been protected by "stove-piping" that separated NSA' computers from networks used by other intelligence services. After the 9/11 Commission concluded that part of the reason why US intelligence agencies were unable to "connect the dots" in advance of the attack was because this "stove-piping, the NSA stripped away a large part of its "stove-piping." One result was that the NSANet, which Snowden had access to at Dell in 2012, became a shared network. It had common access points. General Hayden described them to me as the equivalent of "reading rooms" in a library. They served as a means for NSA workers to exchange ideas about the problems they were encountering on various projects for the intelligence community. In maintaining them, system administrators, or "system admins," like Snowden acted as the "librarians." If a stem administrator copied data from this network, no one knew.

For Snowden, the NSANet, which included CIA and Defense Department documents, provided a rich hunting ground for Snowden in the fall and winter of 2012. Many of the documents he took off the NSANet revealed not only operations of the NSA but also those of the CIA and Pentagon. By taking them he had come to a Rubicon from which there would be no return. He later explained in an email to *Vanity Fair* from Moscow, "I crossed that line."

As far as is known, he was not sharing them with any other party prior to May 2013. He was not even yet in contact with Poitras, Greenwald or any other journalists. Presumably, Snowden was collecting them drives, despite the risks that possessing such a collection of secrets might entail, for some future use.

But why would Snowden jeopardize his career and, if caught, his freedom, by undertaking this illicit enterprise? He may have had by now strong ideological objections the NSA's global surveillance. As he said later in Moscow, "we're subverting our security standards for the sake of surveillance." But ordinarily even ideologically-opposed employees don't steal state secrets and risk imprisonment. If they are disgruntled, they seek employment elsewhere. Certainly, Snowden, with his three years experience working for Dell, would have little problem finding a job as an IT worker in the booming civilian sector of computer technology. Instead of resigning, he sought to widen his access to NSA documents. This behavior suggests to me that he had another agenda. One possible clue to it is the first document he took; the NSA exam. The secret in that document, the answers to the questions, were a form of power to him: power to burrow deeper into the executive structure of the NSA. It would unlock the door to door to even the more powerful documents containing the NSA's sources stored in Level 3 compartments. His later actions demonstrated that he equated the possession of such secrets with personal power. For example, after he arrived in Moscow in 2013, he bragged to James Risen of the *New York Times* that he had access to secrets that gave him great leverage over the NSA. He told him specifically his access to "full lists" of NSA's agents and operation in adversary countries could, if revealed, closed down the NSA's capabilities to gather information in them.

Such a fascination with the power of government-held secrets has always been a core concern of radical libertarians. In his 1956 book *The Torment of Secrecy: The Background and Consequences of American Security Policies*, the sociologist Edward Shils brilliantly dissects the fascination with secrecy among individuals on all ends of the political spectrum who fear that government agencies will use covert machinations against them. In Shils' concept, this anti-government counter-culture is "tormented" by the government's possession of knowledge unavailable to them. Those who subscribe to this culture tend to believe that the agencies that hold these secrets, such as the FBI, CIA and NSA, can control their lives. The other side of this torment over others holding secrets is the belief that by obtaining such secrets will give individuals power over government.

Snowden himself was concerned with a coming "dark future," which he later described as follows: "[The elites] know everything about us and we know nothing about them – because they are secret, they are privileged, and they are a separate class… the elite class, the political class, the resource class – we don't know where they live, we don't know what they do, we don't know who their friends are. They have the ability to know all that about us. This is the direction of the future but I think there are changing possibilities in this."

To change the "dark future," someone would have to know the secrets of the "elites." Snowden saw himself as one of the few individuals in a position to seize state secrets from those elites. He had both a SCI, or Sensitive Compartmental Information, clearance, a pass into a NSA regional base and the privileges of a system administrator. This position allowed him to steal state secrets—and whatever power that went with them. And if he moved to a position that gave him greater access, he would, in this view, amass even greater power.

Whatever his actual agenda in 2012, we know that he tested possible reactions to a leak exposing NSA surveillance in the United States. He asked fellow workers at the NSA base in 2012, according to his own account: "What do you think the public would do if this [secret data] was on the front page?" He asked this question at a time when a large number of State Department and US Army classified documents had been posted on Julian Assange's Wikileaks website. While these Wikileaks revelations of secrets were making front-page headlines, the NSA documents that Snowden had taken were far more explosive since they contained NSA intelligence secrets. And no NSA document had ever been published in the press in 2012. One reason why NSA documents remained secrets, as all intelligence workers at Dell were told when they signed their oath, was that the unauthorized release of communications intelligence documents could violate US espionage laws.

Even so, there was no shortage of activists overseas, such as Assange, who would be willing to publish NSA documents revealing its global surveillance activities. And in answer to his rhetorical question, he no doubt knew that they would cause an immense reaction on the front page. Cyber punks, as these activists called themselves, tended to be hostile to the NSA since they believed (correctly) that it monitored their activities on the Internet. This anti-NSA view was well

represented at the Computer Chaos Club convention in Berlin. In addressing these cyber punks Assange and his followers at Wikileaks declared that the main enemy in cyber space was the NSA.

In the late fall of 2012, Snowden further tested his newly found powers. Using an alias, he reached out to some of the leading hacktavists. It opened a door for him to the darker side of cyber space.

CHAPTER EIGHT

Hacktavist

. "When you gaze long into an abyss the abyss gazes into you". ~ Friedrich Nietzsche

By 2012, the alienated hacktavist battling to unlock the secrets of evil corporations and governments had become a stock hero of popular culture. For example, in the prize-winning *Girl with the Dragon Tattoo* trilogy by Stieg Larsson, which sold 90 million copies, the heroine, a self-educated hacker in her twenties named Lisbeth Salander steals incriminating documents from computers that provides journalist Mikael Blomkvist with scoops that save the progressive magazine he edits from bankruptcy. Her sociopathic behavior, which includes embezzling millions of dollars, extortion, maiming and murder, is accepted by the journalists at the magazine because her hacking exposes crimes and abuses of power. In the realm of non-fiction universe, hacktavists also use their skills to attempt to redress perceived abuses of power, For example in December 2010, the group "Anonymous," whose members called "Anon" often wear Guy Fawkes masks resembling those worn in the 2006 movie *V Is For Vendetta*, launched a successful denial of service attack called "Operation Avenge Assange," It was aimed at paralyzing companies, including PayPal and MasterCard that refused to process donations for Wikileaks because these "anons" believed that these companies were stifling the freedom of the Internet by hindering the money flow to Wikileaks. Since hacktavists often use illicit means to redress their grievances, such denial of service attacks, theft of passwords and hacking into computers, they must conceal their true identities to avoid the retribution of the FBI and other law enforcement agencies. This requires them to operate on the dark side of cyber space which has become known as the dark net. Fortunately for hacktavists, the dark net is accessible to anyone.

It is a place frequented by those that want to avoid laws, regulations and government surveillance. Its denizens include cyber saboteurs, industrial spies, purveyors of illegal contraband, spammers, pranksters, identity thieves, video pirates, bullies, slanderers, drug dealers, child pornographers, money launderers, contract killers, inside traders, anarchists, terrorists, and the intelligence services of many countries.

Sue Halpern writing about it in the New York Review of books noted: "My own forays to the dark Net include visits to sites offering counterfeit drivers' licenses, methamphetamine, a template for a US twenty-dollar bill, files to make a 3D-printed gun, and books describing how to receive illegal goods in the mail without getting caught. There were, too, links to rape and child abuse videos "

To operate effectively on the dark net, a mask of anonymity is often necessary. But it is not easy to completely hide enes tracks in cyber space. The way that the Internet ordinarily works is that whenever an individual sends emails, instant messages, or visits a websites, his or her identity can be referenced by the IP address assigned to him or her by their internet service provider. The problem is that if dark side users' IP address is discoverable, they obviously cannot remain

anonymous. So, to evade this built-in transparency in the Internet, dark side users have come to rely on ingenious software to hide their IP address. The most commonly used software for this purpose is TOR. It was first called The Onion Router, since it moves IP addresses through multiple layers, but it quickly became known simply by its acronym, TOR. TOR software hides the IP address by routing messages through a network of TOR-enabled relay stations, called "nodes." Each node further obscure the user's IP, even from the next node in the network. This scrambling allows messages to exit the chain of TOR nodes without an easily discoverable IP. By doing so, it "anomizes" each user of the dark side.

Because of the anonymity it provides, TOR became the software of choice for individuals and organization who wanted to hide their identity. For example, TOR software made possible Silk Road, which acted as an exchange for drug dealers, assassins, safe crackers, and prostitutes until it was closed down by the FBI in 2011. It was created by Ross Ulbricht, a libertarian who wore a Ron Paul t-shirt, "to create a website where people could buy anything anonymously, with no trail whatsoever that led back to them." (Ulbricht received a life prison sentence for running this criminal enterprise in May 2015.) To eradicate the Internet trail, Silk Road employed TOR software.

TOR was also employed to steal and transfer classified secrets by Private Bradley Manning (now called Chelsea Manning.) He used TOR software to transfer some 50,000 diplomatic cables and military reports from his laptop to Julian Assange's Wikileaks website. Eventually Manning was identified by a fellow hacker, convicted by a military court for violations of the Espionage Act, and sentenced to 35 years in prison. TOR enabled Wikileaks to publish other secret data, such as the theft of Sony's files allegedly by the North Korean intelligence service in 2015. It was the means for guaranteeing anonymity to the IT workers who responded to his by now famous clarion call "System admins of the world unite." It allowed system administrators who opposed the "surveillance state," as well as other disgruntled employees of government agencies or corporation, to send documents they copied to the Wikileaks website without revealing their IP addresses. Since Wikileaks did not know the identity of their sources, they could not be legally compelled to reveal them. "Tor's importance to WikiLeaks cannot be overstated," Assange said in an interview with *Rolling Stone* in 2010. Indeed without the anonymity provided by its TOR software, Wikileaks could not have easily entered into a document-sharing arrangement major newspapers, including the *Guardian, New York Times, Der Spiegel, Le Monde* and *El Pais.* Through the magic of TOR, these newspapers simply attribute their sources to Wikileaks which, in turn, made Assange a major force in international journalism/.

Ironically, TOR originally was a creation of US intelligence. In the early 2000s, the US Naval Research Laboratory and the Defense Advance Research Project Agency (DARPA) developed it to allow US intelligence operatives to cloak their movements on the Internet. They could anonymously manipulate web sites operated by Islamic radicals, for example, and create their own Trojan Horse sites to lures would-be terrorists and spies. As it turned out, that use of TOR

software had a conceptual flaw. If US intelligence services used it, the targets could figure out that anyone visiting a site without an IP address was using TOR software to hide it. If TOR was exclusive used by US intelligence services, the targets could further deduce that all the anonymous visitors were avatars for American intelligence. It would be analogous to undercover police using pink-color cars that civilians did not use.

To remedy this flaw, the US government in 2008 made TOR software open-source and freely available to everyone in the world. It even provided funding for its promulgation with the State Department, the National Science Foundation, and the Broadcasting Board of Governors financing TOR's core developer. The public rationale for this generosity was that TOR could serve as a tool for, as the State Department called it, "democracy advocates in authoritarian states." The result was TOR software became a tool of both intelligence services and their adversaries.

As TOR software became widely used by adversaries (as well as common criminals), the NSA sought to find vulnerabilities in it. "It should hardly be surprising that our intelligence agencies seek ways to counteract targets' that use TOR software to hide their communications, explained a NSA spokesperson. The NSA's adversaries also took an interest in identifying TOR users.

TOR software also took on a cult-like importance to hacktavists concerned with the US government tracking their activities. An illuminating insight into the mind-set of the TOR hacktavists is provided by Catherine A. Fitzpatrick in her 2013 book *Privacy For Me Not For Thee*. She describes these hacktavists as largely "radical anarchists," who believe "the state is all-powerful, that law-enforcement is so strong that it will prevail anyway, and that they are a persecuted minority." As a refuge against the surveillance of the state, and in particular the NSA, they not only hide attempt to their own identity nut use encryption to obscure their messages. Their goal is free their movements from "of any interference from law-enforcement." In this mind-set, according to Fitzpatrick, "They believe government intelligence agencies will stop at nothing to stop them from absolute encryption."

TOR software was a means to defeat the NSA, but to be successfully there needed to be such a proliferation of TOR servers that the NSA could not piece together IP addresses. The problem was that in 2012 the TOR project, as they called it, was still a very tiny operation in 2012. It employed less than 100 core developers who were located mainly in Germany, Iceland, Japan, Estonia, and the United States. Its staff worked mainly out of a single room in Cambridge, Massachusetts.

The guiding spirit behind the TOR movement was Jacob Appelbaum, a charismatic 28-year old who had grown up in northern California. Like Snowden, he had dropped out of high school. Appelbaum identified himself to his followers on the Internet as a "hacktivist" battling state surveillance. For him, as with many in the hacktavist culture, the main enemy was the NSA. After all, the NSA had a vast army of computer scientists working to unravel TOR software.

Appelbaum was also well connected in this culture. He was the North American representative for Wikileaks before he moved to Berlin in 2013. He also managed Wikileaks' cyber security when it released classified documents in Iceland in 2010. He was so well-regarded among hacktavists that Assange chose him as his keynote speaker replacement at the "Hackers of the Planet Earth" (HOPE) convention in New York City. Assange also sung his praises, telling *Rolling Stone* "Jake [Appelbaum] has been a tireless promoter behind the scenes of our cause." For its part, *Rolling Stone* entitled its profile of Appelbaum, "Meet the most dangerous man on the Internet." The reason that Assange needed a replacement for this particular event was that he feared he would be arrested if he came to New York because he had released the Manning files on Wikileaks.

In Berlin, Appelbaum went to extreme lengths to protect himself from American surveillance. For example, when George Packer interviewed him for the *New Yorker*, in 2014, he insisted on meeting with Packer naked in a sauna so he could be sure Packer did not have a recording device (other than his notebook.) Appelbaum stated repeatedly in other interviews that he was being spied upon by America. While his claims may have sounded paranoid to his interviewers, as a character in Joseph Heller's *Catch 22* famously said, "Just because you are paranoid doesn't mean that you are not being followed." In any event, Appelbaum acted to defeat the perceived surveillance.

Runa Sandvik was another principal core developers in the TOR project in 2012. A Norwegian national in her mid-twenties, she wrote in 2012 a well-followed blog for *Forbes* on Internet privacy in which she identified herself as a privacy and security researcher working at the intersection of technology, law and policy. As a close associate of Appelbaum's, she worked tirelessly to extend TOR's cloak of anonymity against the surveillance of the NSA and other would-be intruders of privacy. Appelbaum and Sandvik shared another distinction. They both came in contact with Snowden before he went public and while he was still working for the NSA in Hawaii.

Snowden was in 2012 a major advocate of TOR software. He made no secret of his concerns about it electronic interceptions. He even wore to work a jacket with a parody of the NSA insignia, which, instead of merely depicting the NSA eagle, show the eagle clutching AT&T phone lines. He had also become a member of the Electronic Freedom Foundation, the digital rights organization that was helping finance TOR**.** His efforts on behalf of TOR were not limited to symbolic gestures. **Through** his work as a system administrator for Dell, he had found documents revealing NSA efforts to defeat TOR's ability to camouflage its user's identity on the Internet. Though not yet successful, he found that the NSA was attempting to build back-door entry ways into TOR software. He also knew that the NSA was becoming increasingly hostile to the spread of TOR software. One of the NSA documents that he illicitly downloaded was entitled "TOR Stinks." It described the NSA's enormous but not fully successful efforts to penetrate TOR servers. In addition, he downloaded NSA documents describing programs begun in 2012 that aimed at searching the Internet for the cyber-signatures of foreign parties suspected of hacking into US government systems. So he knew that the NSA considered the TOR movement an enemy.

Nevertheless, Snowden worked to assist the TOR movement. He created TOR's main exit node in Hawaii in 2012. This activity required a two gigabyte server called "The Signal," which he described as the largest TOR relay station in Honolulu.

Sandvik first heard directly from Snowden in November 2012. At the time, he wrote her under the alias "Cincinnatus," but also supplied his real name and address in Hawaii so that she could supply him with TOR stickers. So she knew his identity seven months before he went public. He would later tell Sandvik from Moscow that he had been "moonlighting" on behalf of the TOR cause at the NSA. By "moonlighting" he meant that in 2012 he had two jobs: Officially he was working as an NSA system administrator; unofficially he was working to advance the TOR Project. He added, with some understatement, that his moonlighting was "something the NSA might not have been too happy about."

By November 2012, while still working for Dell at the NSA, his dual role led him to organize a "crypto party" aimed at finding new recruits for TOR. The "crypto party" movement itself had been started in 2011 in Australia by Asher Wolf, a radical hacktavist and anarchist living in Melbourne. She promoted them not unlike the tupper-ware parties of the 1950s. They worked as follows. The party organizer, usually with a representative of the TOR project, advertised the party on the Internet. Attendees were encouraged to bring their own laptops so they could install TOR as well encryption software in them. The attendees then would be instructed on how to use it. Finally, those converted to TOR software would be told to proselytize about its virtues by holding their own "crypto party." Wolf's idea was to use these gatherings to expand the realm of TOR.

On November 18, 2012, Snowden launched his initial crypto party. It was called the "Oahu Crypto party" and had its own web page. He told Asher Wolf that it would be the first Crypto party in Honolulu. She wrote him back, advising him to "keep it simple."(Wolf later said she did not know he was working at the NSA.)

Snowden apparently had no inhibitions in staging a party which the NSA might consider subversive of its battle against TOR. He even invited his fellow NSA workers in Hawaii as well as others in the local computer culture. He asked Sandvik, who was living in Washington DC at the time, to participate, proposing that she co-host it with him in Honolulu. He scheduled it for December 11, 2012. He suggested that TOR stickers that could be used as "swag" to lure an audience. According to her account, Snowden informed he that he "had been talking to some of the more technical guys at work into setting up some additional fast servers" for TOR. His "work" place at the time was the NSA. If so, he had already attempted to find co-workers at the NSA who might be interested in attending an anti-NSA surveillance presentation.

Sandvik not only agreed a to be Snowden's co-presenter but she made the Oahu Crypto party a TOR-sponsored event. Sandvik flew to Honolulu on December 6, 2012. It was a fourteen hour flight and a relatively expensive one. She later told *Wired* magazine that the invitation from Snowden coincided with her plan to take a "vacation in Hawaii." Whatever her reason, it brought

her in direct contact with a TOR supporter with access to the computers of its main enemy, the NSA.

On December 11, 2012, following Snowden's instructions, Sandvik arrived shortly before 6 PM at the Fishcake furniture store in downtown Honolulu. She proceed to the back of the store where there was a public space called the Box Jelly. It was used mainly for counterculture events. Folding chairs and work tables had already been set up, Snowden was there waiting for her with Lindsay Mills, who he introduced to Sandvik as his girlfriend. He told her that she was there to film the event.

Mills did not mention this Crypto party in her blog. But that Snowden brought her and introduced her to Sandvik suggests that he did not keep secret from her his activities to further TOR.

The event started at six PM sharp. By Sandvik's count, about twenty people gradually filled the room. Some of them were from the local "Hi-Cap" computer club and other attendees were from Snowden's NSA base. Snowden began the presentation by giving reasons why Internet users needed to defend their privacy by using both encryption and TOR software. According to one attendee who asked not to be identified by name, Snowden, while not revealing that he worked for the NSA, spoke with such precise knowledge about government surveillance capabilities that he suspected Snowden worked for the government. Snowden next introduced Sandvik, who took the podium and discussed the work of the TOR project, stressing the importance of expanding the TOR network. Following their presentations, Snowden and Sandvik took questions from the audience.

The Oahu crypto party, according to Sandvik, ended about 10 PM. No one objected to Mills making a video of the meeting even though it was dedicated to the idea of protecting privacy. The video was not posted on the Internet so presumably Snowden wanted it for his own purposes. Afterwards, Sandvik went to a local diner called Zippy's for a late dinner. She left Hawaii two days later.

Even though a number of the prominent hacktavists he invited were unable to attend, Snowden declared the Crypto party a huge success in his after-hours report. One of the people Snowden invited under the alias Cincinnatus was Parker Higgins, who was a prime mover in the previously-mentioned Electronic Freedom Foundation. He now lived in California where he had founded the San Francisco Crypto Party. (Higgins would make headlines in 2013 by flying a chartered blimp over the NSA's secret facility in Utah and photographing it from the air). Despite Snowden's efforts, Higgins wrote him that he was unable to attend the December Crypto Party because of the high price of the airfare that month between San Francisco and Honolulu. (Higgins was hardly poor: his family home in Oahu had been rented to President Obama for two of his vacations in Hawaii.) As a consolation, Higgins told Snowden that he would try to attend Snowden's next Crypto Party, which was scheduled for February 23, 2013.

Even while he used his position as a system administrator at Dell for the NSA to download secret documents, Snowden remained in touch with some of the leading figures in the TOR project under his various aliases. He also continued to invite activists to his crypto parties and he openly advertised the Oahu Crypto Parties on the Internet until 2013. It certainly was not the "loose lips sink ships" mind set of the NSA's Cold War days. It better reflected on what CIA Deputy Director Morell, who reviewed the situation in 2014 as a member of President Obama's NSA Review Committee, described as the NSA's new "culture of transparency." Even though the NSA's activities were largely walled off to the outside world, he found that the NSA in the post-Cold War age had encouraged its technical workers to freely discuss challenges that arose in its computer operations. 'The idea was to spread knowledge and learn from the successes of others," Morell wrote, "but it created an enormous security vulnerability, given the always-existent risk of an insider committed to stealing secrets." According to a former intelligence executive, this new "open culture," exemplified by largely unrestricted entry to the NSANet by civilian contractors," fit the culture of the young civilians on the "geek squads" who now ran the NSA's computer networks.

It was remarkable that even in such "open culture "Snowden's crypto party, TOR station, and other anti-NSA activities could go unnoticed. After all, ten or so NSA workers attended the first party it is not unlikely that many of them recognized him as their co-worker. If so, they knew (as did Sandvik and Mills) that the TOR advocate "Cincinnatus" was Snowden. He had also not been shy in contacting via email notable enemies of the NSA, such as Jacob Appelbaum, Parker Higgins and Asher Wolf on behalf of the "Oahu Crypto Party." If anyone, including the security staff of the NSA, had been on the lookout for dissident intelligence workers, this well-advertised gathering, and its organizer, might have been of interest. In 2014, I asked a former top NSA executive whether such activities on behalf of TOR by a NSA employee would arouse the attention of the NSA's own "Q" counterespionage unit. He answered, "Snowden was not a NSA employee." As a contract employee of Dell residing in the United States, the NSA could not legally monitor his private activities or intercept his communication. To do so, would require a FBI request approved by the FISA court. So Snowden/Cincinnatus was free to operate openly in recruiting NSA workers, hacktavists and computer buffs for his events. Ironically, adversary intelligence services searching for disgruntled intelligence workers had no such constraints.

CHAPTER NINE

The String-Puller

"It wasn't that they put it on me as an individual — that I'm uniquely qualified [or] an angel descending from the heavens — as that they put it on someone, somewhere."

--Edward Snowden in Moscow, 2013

Downloading NSA documents was not Snowden's only rogue activity while working at the NSA for Dell in 2012. Three weeks after the Crypto party, Snowden began anonymously contacting a high-profile journalist, He used the same alias "Cincinnatus" that he used with Sandvik, and to advertise the Oahu Crypto Party. The journalist to whom he wrote On December 1, 2012, was Glenn Greenwald, the previously-mentioned Rio-based columnist for the *Guardian.*

Greenwald had not always been an activist journalist. Up until 2004, Greenwald was a litigation lawyer at the elite New York firm of Wachtell, Lipton, and Rosen & Katz. He was also an entrepreneur owning part of Master Notions, a company which, among other things, had a fifty percent financial interest in the pornographic website HJ (an acronym which originally stood for "Hairy Jock.") All did not go well with this enterprise. In 2004, Greenwald became involved in an acrimonious law suit with his other associates in HJ. As a result, he had a number of open legal judgments filed against him, including an $85,000 lien by the IRS.

After resigning from his law firm in 2005, he moved to Rio de Janeiro and began a new career as a blogger for the Internet magazine *Salon*. He wrote fierce, and often brilliant, polemics against US government surveillance and other perceived intrusions on personal privacy The extent of his bitter antagonism to the activities of the "surveillance state," as he called it, was reflected in the title of his 2007 book, *How Would a Patriot Act? Defending American Values from a President Run Amok.* His position on surveillance was unrelenting, even when it came to the president. "By ordering illegal eavesdropping, the president had committed crimes and should be held accountable for them," Greenwald wrote. When Barack Obama became President in 2009, Greenwald also attacked him for breaking the law by "ordering illegal eavesdropping." Because of his opposition to President Obama, he contributed money to the libertarian campaign of Ron Paul, the same candidate to whom Snowden gave money.

In August 2012, he had transferred his provocative blog, which had amassed a following of nearly one million readers (including Snowden), from *Salon* to the *Guardian*. The British newspaper also had a powerful anti-surveillance position, having first published the Wikileaks documents that had been illicitly leaked by Private Bradley Manning and published by Assange in 2010.

Greenwald was an activist as well as a journalist. Like Poitras, he joined the board of directors of the Freedom of the Press Foundation. The foundation, which eventually Runa Sandvik and Micah Lee would join, had been set up expressly to funnel money to both Assange's Wikileaks site and the defense fund for Bradley Manning after he was arrested. Such a money laundry was necessary because, as will be recalled, American credit card companies were blocking money transfers to these two causes. This "blockade" was taking its toll on Wikileaks. According to Assange, "WikiLeaks had been cut off from more than 90 percent of its finances." So the Freedom of the Press Foundation came to its rescue. John Perry Barlow, one of the song writers for the Grateful Dead band, was one of its chief financial backers. "The first serious info war is now engaged, Barlow declared. "The field of battle is WikiLeaks." He served with Greenwald and Poitras on its Board in December 2012.

Snowden was an avid reader of Greenwald's screeds against the government. If he was to assume the role of a modern-day Prometheus, delivering forbidden secrets of the NSA to the public, Greenwald would be a logical candidate to break the story. Snowden could safely assume that Greenwald would be sympathetic to exposing NSA surveillance from his many blogs, tweets and YouTube comments on the subject. For example, on November 13 2012, just 18 days before Snowden contacted him, Greenwald had written a blog in *Guardian* asserting that the United States was "a surveillance state run amok." In it, echoing very closely what Snowden said at his Crypto party, Greenwald wrote that "any remnants of internet anonymity have been all but obliterated by the union between the state and technology companies." Citing a story in the *Washington Pos*t, he continued: "Every day, collection systems at the National Security Agency intercept and store 1.7 billion e-mails, phone calls and other types of communications." As a result, Greenwald called for action in his blog on November 13, 2012, writing: "The US operates a sprawling, unaccountable Surveillance State that, in violent breach of the core guarantees of the Fourth Amendment, monitors and records virtually everything even the most law-abiding citizens do." That same week Snowden invited Runa Sandvik to co-host his crypto party.

One problem for Snowden was reaching out to Greenwald was Greenwald's lack of any encryption for his e-mails. Communicating with a journalist like Greenwald who famously attacked the very organization for which he worked was itself a risky undertaking, especially if he wanted to pass classified NSA documents to him. If his emails were intercepted by the NSA in Brazil (where Greenwald lived) and where the NSA was not restricted by US law, he could lose his job or even be arrested. Under his alias Cincinnatus, he told Greenwald that he needed to immediately encrypt his computer. To make his point, he cited Greenwald's own November 12, 2012 blog. In it, Greenwald noted that General David Petraeus, then the CIA director, had been caught in a minor sex scandal because his personal emails had been intercepted, Snowden wrote Greenwald that Petraeus would not have been exposed if he had used encryption. Snowden also sent Greenwald instruction on how to install the necessary encryption software and a link to a 12-

minute video on encryption (which might have been the same video he used at his Crypto party a few weeks earlier.)

Greenwald did not manage to encrypt his computer, however. Snowden, unwilling to deal with Greenwald through an unencrypted channel, broke off contact with him in January 2013. Even so, he did not give up his plan of using Greenwald in his enterprise. He sought an intermediary who used encryption.

The alternative route to Greenwald that Snowden chose was Laura Poitras. He knew she had am association with him. They both were founding board members of the Freedom of the Press Foundation. Greenwald had also written about her extensively. For example, he wrote an entire blog about her confrontation with the US government and her plans to make a documentary about the "U.S. Government's increasing powers of domestic surveillance [through] its expanding covert domestic NSA activities"

Since 2011, Poitras had been filming the construction of a massive NSA repository for data in Bluffdale, Utah. In the anti-surveillance culture, the structure had become symbolic of the powers of the NSA. In fact, was the same NSA site that Parker Higgins photographed from a blimp in the fall of 2013 and post on the Internet. Just six months earlier in August 2012, Poitras had released her documentary about the NSA's use of the Bluffdale repository for domestic spying,

Aside from her connections with Greenwald, Poitras had other impressive credentials. Born in 1964 in Boston, She came from a wealthy family that donated large sums of money to philanthropic causes, including $20 million for research on bipolar disorders. After graduating from the New School for Public Engagement in 1996, she pursued a career as an activist film-maker. Her focus quickly became exposing NSA's surveillance. One of her short documentaries about the NSA's domestic surveillance program was featured on the *New York Times* website and attracted enormous attention in 2012. As a dedicated opponent of the surveillance state, she participated in public events with William Binney, the now famous ex-NSA whistle-blower, and Jacob Appelbaum. In April 2012, for example, she made a presentation at the Whitney Museum in New York with Binney and Appelbaum. She became such a leading activist against the NSA by December 2012 that Appelbaum, after lauding her work, interspersed clips from her short film in his keynote address at the Computer Chaos Club convention of hacktavists in Berlin in December 2012. Snowden also closely followed her rise in this world. By simply googling Poitras' name in January 2013, he would have learned about her connections with Greenwald, Appelbaum, Binney, Assange and other leading figures in the anti-surveillance camp. When asked later Snowden why he had chosen her to help him, He replied "I didn't. You chose yourself." The problem for Snowden was anonymously drawing her in to his enterprise.

Poitras was living in Berlin in January 2013, which made her vulnerable to NSA surveillance. To get to her through an encrypted channel, Snowden chose a circuitous approach. On January 11, 2013, he wrote to Micah Lee in Berkeley, California. Unlike Greenwald and Poitras, Lee

resided in America. This U.S. residence meant, as Snowden knew, the NSA would be legally barred from monitoring his communications. He used Lee, who was the chief technology officer at the Freedom of the Press Foundation, as the encrypted gateway to Poitras who, it will be recalled was a founding Board member of that small foundation. Lee also was well-connected to others with whom Snowden had contacted for his crypto party. Lee had been an associate of Runa Sandvik's at TOR and was a prominent member of Noisebridge, an eclectic anti-government hackers' commune based in Northern California, of which Appelbaum was also a member.

To contact Lee, Snowden chose the alias Anon108. Anon was an alias frequently used by members of the Anonymous commune of hacktavists. "I'm a friend." Snowden wrote Lee. "I need to get information securely to Laura Poitras and her alone, but I can't find an email/gpg key for her." The "gpg" encryption key he asked for, more commonly called a PGP key, was the so-called public key for an encryption system called Pretty Good Privacy, or, for short, PGP. This encryption system required both a public and private key. Snowden asked Lee to provide the former one, since Poitras had the latter one. Lee wrote Poitras about "anon108." The next day, with the approval of Poitras, Lee supplied Poitras' public key to Snowden, or, as he knew him, Anon108.

With it, Snowden now contacted Poitras directly. He asked her as a first step to open an anonymous email account using TOR software. He was now in contact with three members of the Freedom of the Press Foundation—Greenwald, Lee, and Poitras. (Sandvik would join the foundation in 2013.)

Poitras later wrote about this initial contact: "I was at that point filming with several people who were all being targeted by the [US] government." The people she was filming included Appelbaum, Assange, and two former NSA employees, William Binney and Thomas Drake. It was in the midst of this project when she received the email from Anon108 aka Edward Snowden.

He next asked Poitras her take out a new enciphering key to use exclusively for her liaison with him. It provided them both with an extra layer of protection from any surveillance by law enforcement. Presumably, she accommodated his requests because she anticipated that the anonymous person would use this encrypted channel to send her highly-sensitive material.

On January 23, 2013 Snowden wrote Poitras under yet another alias. This time he called himself "Citizen Four." He wrote: "At this stage I can offer nothing more than my word." He then said falsely, "I am a senior government employee in the intelligence community." She had no way of knowing at this "stage" that, despite giving her his "word," he was not who he claimed to be. He was not a "government employee, " he was not a "senior" official and he was a member of the "intelligence community" (which is composed of the intelligence services of the U.S. government .) He would later also claim to her that he had been "a senior adviser to the CIA" and "a senior adviser to the DIA." In fact, he had never held such position at either

intelligence service. In January 2013, he was merely a contract employee of Dell working as a computer technician at the NSA base in Hawaii.

Snowden told her in his initial email that he was well-acquainted with her career as an anti-surveillance activist. He said that he had read Greenwald's account in *Salon* that past April, a blog in which Greenwald detailed the 40 times in which Poitras was searched by US authorities. The story also said that Poitras believed that she was on a special watch-list and under constant US government surveillance. She had come under such scrutiny by US authorities, it turned out, because of her documentary about American military abuses of civilians in Iraq in 2005 entitled "The Oath". While filming it she was at a place close to an insurgent ambush of US troops in Iraq. Her presence at the ambush site led Army intelligence officers to suspect (without any evidence) that she might have been tipped off by the insurgents. She firmly denied the charge and the government never substantiated it. Even so, because of this incident, she was kept on a list that caused authorities to search her at airports. As a result, she took elaborate counter-measures to evade any possible surveillance of her communications.

Snowden knew about this incident because Greenwald described them in a great detail in a blog that Snowden read (as he later told Greenwald.) "Poitras is now forced to take extreme steps — ones that hamper her ability to do her work, "Greenwald wrote: "She now avoids traveling with any electronic devices. She uses alternative methods to deliver the most sensitive parts of her work — raw film and interview notes — to secure locations. She spends substantial time and resources protecting her computers with encryption and password defenses. Especially when she is in the U.S., she avoids talking on the phone about her work, particularly to sources. And she simply will not edit her films at her home out of fear — obviously well-grounded — that government agents will attempt to search and seize the raw footage." She claimed, as she told journalists, she was the victim of "Kafkaesque government harassment."

Snowden was duly impressed with her concerns about government surveillance. She fully subscribed to his view that that government surveillance was ubiquitous. Indeed, he later described her as "more paranoid when it comes to electronic security than I can be." He meant it as a compliment. Such functional paranoia or, "operational security," as Greenwald would call the precautions that she took, dove-tailed with Snowden's growing conviction that universal encryption was necessary to defeat the surveillance state. It also made her the perfect channel for Snowden to safely pass some of the classified documents he stole to Greenwald and other journalists.

It was not difficult to get her to cooperate in his plot. He played on her well-known concern about government surveillance. He wrote, for example, "The surveillance you've experienced means you have been 'selected'—a term which will mean more to you as you learn how the modern SIGINT system works." Just as she had been "chosen" by her work to act as his conduit, according to Snowden, she had been chosen by the NSA as a target because of her work. The idea of her being "selected" by an invisible signal intelligence agency, the NSA, could only excite

her long-time concerns about being watched by the government. "Your victimization by the NSA system means that you are well aware of the threat that [the NSA's] unrestricted, secret abilities pose for democracies," he continued. "I hope you understand that contacting you is extremely high risk and if you are willing to agree to the following precautions before I share more, this will not be a waste of your time." Further heightening her concern that she was under surveillance, he asked her to confirm to him "that no one has ever had a copy of your private key and that it uses a strong passphrase." Such precautions were necessary because "your adversary is capable of one trillion guesses per second." That "adversary" was, as she knew from her previous film, the NSA. At this point, she knew she was entering into a dangerous liaison with an unknown party in pursuit of NSA secrets.

To elude this "adversary," Snowden stressed to her that she would have to adopt a conspiratorial set of mind. "If the device you store the private key and enter your passphrase on has been hacked, it is trivial to decrypt our communications," he explained. "If you publish the source material, I will likely be immediately implicated." If her correspondent could be "immediately implicated," it meant that he was a person authorized to handle these secrets. So Poitras knew, as early as January 2013 that she was creating an encrypted channel for someone with access to NSA secrets and who would be incriminated by providing them to her.

The key source for Poitras' previously-referred to short video was William Binney. Like her new source, he had been authorized to handle NSA secrets. Binney had been a NSA technical director until he had retired in 2001. The NSA's domestic surveillance program that Binney told the press about years before being interviewed in Poitras' film was called "Stellar Wind." It indeed led to a major expose of domestic spying by the *New York Times* in December 2005. After President Bush's own Justice Department then held that such surveillance was illegal, Congress passed a revision of the Patriot Act in 2007 that effectively legalize the "Stellar Wind" surveillance program on condition that the NSA obtain a FISA warrant for it that would be periodically reviewed by the Department of Justice.

Binney had never provided Poitras with any NSA documents to back up the charges he made about Stellar Wind. He could not have done so without violating his sworn oath and, for that matter, US anti-espionage statutes. Binney made it clear to her and other journalists that he was not a law breaker. But her new source, Snowden, was willing to do what Binney (and other insiders) had refused to do. He was offering in these emails to provide her with secret government documents even though it would implicate him as an outlaw. To further whet her appetite, he told her that these up-to-date NSA documents would fully substantiate the allegations that Binney made in her film. Even more important, he said Binney's 2001 disclosures were still relevant to her cause. "What you know as Stellar Wind has grown" he wrote her. In fact, as Snowden knew from the draft Inspector-General report he stole in 2012 that Stellar Wind been terminated in 2011 by the NSA for budgetary reasons. He continued: "The expanded special source operations that took over Stellar Wind's share of the pie have spread all over the world to

practically include comprehensive coverage of the United States." As a result, he wrote. "The amount of US communications ingested by the NSA is still increasing."

He further offered to substantiate her worst fears about the growth of NSA surveillance' "I know the location of most domestic interception points, and that the largest telecommunication companies in the US are betraying the trust of their customers, which I can prove." He even proffered, evidence implicating President Barak Obama in illegal surveillance. "There is a detailed policy framework, a kind of martial law for cyber operations, created by the White House. It's called presidential policy 20," he wrote her. It was an 18-page directive that Obama had signed four months earlier in October 2012. Snowden was offering to reveal to her the up-to-date evidence of a surveillance state in America presided over by the President himself. It was what she had been searching for three years. How could she, as an activist film-maker, resist such a sensational offer?

He further explained to her that he had placed great trust in his discretion. "No one, not even my most trusted confidante, is aware of my intentions, and it would not be fair for them to fall under suspicion for my actions," he said.

Poitras must have found it flattering that a total stranger was willing to disclose to her in emails what he would not tell even his "most trusted confidante" about his intentions to commit an illicit breach of U.S. national security. It was an extraordinary risk he was taking. After all, "Citizen 4" had no way of knowing who she else she told about him. She had long been concerned, with good reason that the U.S. government was out to get her. An unknown person offering to supply her with secret documents could be attempting to entrap her. So he could not preclude she would not consult with others about the offer he was making her. Since her current documentary project included interviews with Assange, Appelbaum and three ex-NSA executives, intelligence services with sophisticated surveillance capabilities might also have taken a professional interest in her communications, as Poitras herself had suspected. Even if Snowden was somehow able to use his position as a system administrator at Dell to ascertain that the NSA did not have Poitras under surveillance, he could not be sure that other agencies, such as the Russian and Chinese intelligence services, were not be monitoring his communications with Poitras. It was, however, a chance Snowden evidently was willing to take.

Snowden, in any case, did not intend to conceal his identity for more than a few months. He told Poitras he had a specific purpose in allowing her to name him in her film. Indeed, he said it was essential in his plan to prevent others, including presumably his "most trusted confidante," from being suspected by law enforcement of helping him in his enterprise. He prevailed on her to accommodate his plan, saying: "You may be the only one who can prevent that, and that is by immediately nailing me to the cross rather than trying to protect me as a source." His choice of the imagery of crucifixion suggested that, like Jesus Christ, he was willing to sacrifice himself for the sake of others.

In keeping with their operational security regime, he said that he would first send her an encrypted file of documents that she would not be able to read. Only after his conditions were

met and "everything else is done," he said "The key will follow." He was now pulling the strings. To get that key, she had to follow his instructions.

One of his conditions was that she helps him recruit Greenwald and other outlets for his disclosures. "The material provided and the investigative effort required will be too much for any one person," he wrote Poitras. He next directed her to contact Greenwald. "I recommend that at the very minimum you involve Greenwald. I believe you know him." (Snowden apparently did not tell her that he had unsuccessfully attempted to reach out to Greenwald before he had contacted her.)

His continued interest in Greenwald was understandable. Aside from Greenwald's opposition to what he called the "Surveillance State," he was a gateway to the *Guardian.* The *Guardian* had become an important player in the business of disclosing government by publishing a large part of the US documents supplied to Wikileaks. By breaking whistle-blowing stories about US intelligence, it had also greatly increased the circulation of its website. As an establishment newspaper, it also gave these Wikileaks stories credibility with the media. So despite Greenwald's inability to create an encrypted channel, Snowden still needed him. He had no reason to believe that Greenwald would turn down the opportunity for a whistle-blowing scoop for the *Guardian*. After all, the classified documents Snowden would provide him would also give credence to both Greenwald's book and his many blogs denouncing of US government surveillance.

Aside from Greenwald and Poitras, Snowden sought an outlet inside the American establishment. So he had Poitras write Barton Gellman, the Pulitzer Prize winning reporter for the *Washington Post*. Born in 1960, Gellman graduated from Princeton in 1981, and became an award-winning investigative reporter from the *Miami Herald, Washington Post* and *Time* magazine. He was also the author of the 2008 book *Angler: the Cheney Vice-Presidency*, which been made into an HBO mini-series. If Gellman could be drawn into the enterprise, he could provide Snowden with a gateway to the *Washington Post,* the prestigious American paper credited with bringing down President Richard Nixon in the Watergate scandal.

Poitras, as the go-between for Snowden, immediately contacted Gellman. She already knew him from meetings they both attended at NYU's Center on Law and Security. After telling him she was involved in a story about NSA surveillance, she suggested that they meet in New York City.

For their rendezvous, Poitras took a number of precautions to evade anyone attempting to follow her. She had Gellman first meet her in one coffee shop in lower Manhattan. When he arrived, she had him follow her on foot to another coffee shop following her anti-surveillance tradecraft. Once assured no one was watching them, she ordered coffee for herself and Gellman. Over coffee, she told Gellman about Snowden, who she described as her anonymous source. She said that he was willing to supply Gellman with documents that would expose domestic

surveillance, if Gellman agreed to write a story on it for the *Washington Post*. Even though Gellman had left the staff of the *Washington Post* in 2010, he had previously written several stories on that subject for the newspaper. He was also highly-regarded by the editors there. He was therefore interested in Poitras' offer (although he would consult a friend at the Justice Department about the legality of publishing NSA documents.

Snowden now had laid the groundwork for at least two possible outlets; one an establishment newspaper in Washington DC, the *Washington Post; and* a well-respected international newspaper, the *Guardian*.

Poitras, however, was having some difficulty in bringing Greenwald in on the plan. Like Snowden, she did not trust writing him in unencrypted emails and, since Greenwald lived in Brazil, she still had not found an opportunity for a face-to-face meeting with him.

That opportunity arose in mid-April 2013. Greenwald had flown to New York to give the lead speech at an event in Yonkers, N.Y. sponsored by the Council on American-Islamic Relations, or CAIR, a pro-Moslem civil rights and anti-Zionist organization. He had delivered the keynote speech at its previous meeting in San Jose, California on November 22, 2012, where his impassioned depiction of the American "Surveillance State" in America received a rousing ovation from the attendees. He was invited to speak at this award dinner for its east coast chapter.

Poitras flew from Berlin to New York to see him. On April 19, 2013, she arranged to meet Greenwald at noon in the restaurant of the Marriott hotel where Greenwald was staying. When Greenwald arrived at the restaurant carrying a cell phone, she explained to him that the NSA could surreptitiously turn his cell phone into a microphone and use it to eavesdrop on their conversation. She told him to go back to his room to get rid of the phone. When he returned, phoneless, she took further precautions by having them change tables several times. Greenwald accepted these tactics because, as Greenwald later said, she was in charge of their "operational security."

After they finally found a secure table in the nearly empty restaurant, she showed Greenwald emails she had received from Snowden under the alias Citizen 4. Greenwald, as he recounted, made "no connection to the "long-forgotten emails" he had received from Snowden under the alias Cincinnatus. Reading the emails to Poitras, he was impressed with the "sincerity" of the anonymous correspondent.

When Poitras showed Greenwald Citizen 4's mission statement in which he said his motive was to end the US "surveillance state." Greenwald was further impressed with the source. After all, the surveillance state Snowden described closely dovetailed with the surveillance state that Greenwald had described himself in his speech at the Council on American-Islamic Relations dinner in 2012. Of course, the close proximity of the phrasing may not have been entirely coincidental. Greenwald's 2012 speech had been put on YouTube and widely circulated on the Internet just a few days before Snowden first wrote Greenwald on December 1, 2012. Snowden

the emails identified himself as a privacy advocate, which was also how Greenwald often identified himself in his speeches. He also echoed other concerns Greenwald had publicly expressed including defending American privacy from government intrusions.

Snowden promised the leaks he would supply would provide dramatic results. He asserted in his email that the "shock" of the documents he would give Greenwald would result in the public's learning about the secret "mechanisms through which our privacy is violated." According to Snowden's assessment, following that initial uproar, they could achieve another objective in their common cause. "We can guarantee for all people equal protection against unreasonable search," he wrote. In light of this convergence of views, it is not surprising that Greenwald was fully convinced of Citizen 4's *bona fides*. He said to Poitras, "He's real," and he agreed to help break the story in the *Guardian*.

After he said he was onboard the project, Poitras revealed to Greenwald that Citizen 4 would deliver an entire trove of secret documents to them in six to eight weeks. According to this timetable, the Greenwald's scoop, and the "shock" Citizen 4 promised, would come in early to mid June 2013.

At this point in late April, Snowden was in full control. Although his day job at Dell involved endlessly monitoring largely-meaningless encrypted numbers in the NSA tunnel, he had been able to get three major journalists to react favorably to his proposal. None of them knew his name, position, age, location or where he precisely where he worked. Nor did they know the means by which he planned to obtain the secrets that he dangled before them. They also did not know where, or even if, they would meet their source. Their total knowledge about him was the description he gave of himself: a "senior government employee in the intelligence community" (which, as they only later would find out, was untrue.) For his part, Greenwald speculated that he was a disgruntled CIA station chief. Yet by his anonymous emails, and by tugging at their strings, he had lined up three journalists to break his story.

Despite the fact they were operating largely in the dark, these three journalists acted like almost any other ambitious reporter would act if they were offered a major scoop about illegal acts of the government. In addition, the information was in line with what they had previously investigated or written about. None of these journalists had any reason to doubt at this point that their anonymous source was anything but the sincere whistle-blower that he claimed to be. They could not have known from his anonymous emails that, aside from the whistle-blowing documents he promised them, he was in the process of stealing a large number of documents from the NSA's National Threat Operations Center that concerned the NSA's sources and methods in foreign countries. These documents, to which Snowden never referred in his correspondence with them, had little, if anything at all, to do with domestic spying on American citizens.

CHAPTER TEN

Raider of the Inner Sanctum

"They think there's a smoking gun in there that would be the death of them all politically."

—Edward Snowden in Moscow

The nightmare of the NSA is a penetration. As the CIA, FBI and NSA found out in the 1990s, No intelligence service is invulnerable to it. Any employee of a large intelligence organization can turn, or be turned, against it. Among the more than 10,000 intelligence workers employed by the NSA, it is a near certainty that over time one or more of them will become dissatisfied with their work. He or she may have a personal grievance about their pay, lack of promotion or their treatment by their superiors. Disenchantment with the NSA may also proceed from idealistic objections. After all, the NSA is in the business of secretly intercepting messages, and an insider could find its spying activities at odds with his or her own beliefs about the violation of privacy. For any of these reasons, a disgruntled insider could go rogue. He or she then might attempt to right a perceived wrong by disclosing the NSA secrets to another party. That party might then induce or blackmail the rogue employee into disclosing further secrets. To guard against it, the NSA has developed a well-organized system for stratifying its data so that obtaining critical secrets would require a rogue employee to burrow into its heavily protected inner sanctum. As part of this system, the NSA divides its data into different tiers depending on the importance of the secrets to its operations. The first tier, Level 1, is mainly administrative material. This data would include FISA court orders and other directives it employees might need to check on to carry out their tasks. Level 2 contains data from which the secret sources have been removed. This tier, available to other intelligence services and policy-makers, includes reports and analysis that can be shared. The third tier, Levels 3, contains documents that cannot be shared outside of a small group of authorized individuals because they disclose the secret sources through which the NSA surreptitiously obtained the information. This third tier includes, for example, compiled list of the sources in China, Russia, Iran and other adversary countries. It also disclosed the exotic methods the NSA uses to get some of this data. Level 3 documents also include reports on

specific NSA, CIA and Pentagon operations unknown to adversaries. These Level 3 documents are described by NSA executives as "the Keys to the Kingdom" because they could invalidate America's entire intelligence enterprise if they fell into the hands of an adversary. And, as far as is known, prior to 2013, there had been no successful theft of any Level 3 documents.

Because of their extreme sensitivity, Level 3 documents were not handled by most of the private firms providing independent contractors. At Dell, Snowden had access mainly to Level 1 and Level 2 data (which he could, and did, download from shared sites on the NSA Net.) These lower level documents had whistle-blowing potential since they concerned NSA operations in the US. They did not reveal, however, sources that the NSA used in intercepting the military and civilian activities of foreign adversaries. Consequently, at Dell, while Snowden could find documents of great interest to journalists, he did not have the opportunity to steal far more valuable data, such as the Level 3 lists of the NSA's sources abroad.

Snowden quit his job at Dell as a system administrator on March 15, 2013 to take another job working the NSA in Hawaii at Booz Allen Hamilton. Unlike other outside contractors that serviced the NSA, the firm he choose, Booz Allen specialized in handling the NSA's Level 3 data.

When Snowden applied to Booz Allen earlier in March 2013, the company had no opening for a system administrator at the National Threat Operations Center, an NSA unit in which it dealt with Level 3 data. It did have an opening for an infrastructure analyst, a lower-paying job involving maintaining the computer technology necessary to monitor threats. Despite the cut in pay, Snowden took that job. Snowden made no secret of one of his reason for this move. He subsequently told the *South China Morning Post,* as will be recalled, that he took it to "get access to lists of machines all over the world the NSA had hacked." If so, he was after the keys to the NSA's kingdom of global surveillance. And Booz Allen held those keys. "He targeted my company because we enjoy more access than other companies," Booz Allen Vice Chairman Michael McConnell said with the benefit of hindsight. As a result of the theft, he appraised "an entire generation of intelligence was lost." McConnell, a former NSA director before taking the job at Booz Allen, was in a position to know.

Snowden's sudden career change had both advantages and disadvantages for the enterprise he was planning. The main advantage was that the job, he would have proximity to the computers in which the "lists" he sought of NSA global sources were kept. The main disadvantage, aside from a cut in salary, was that he would no longer be a system administrator. This change meant he would not have a system administrator's privileges to bypass password restrictions or temporarily transfer data. Instead, as an infrastructure analyst, he would not have password access, at least during the two-month long training period, to the computers that he had not been specifically "read into," which did not include those computers that stored the Level 3 lists. Access to these tightly-controlled compartments was limited to only a handful of analysts at the center who had a need-to-know.

Nevertheless Snowden applied for the job. Since it handled higher level secret documents, Booz Allen had stricter requirements for applicants than Dell. To slip by them, Snowden engaged in a minor subterfuge. He wrote on his application that he was expecting a master's degree from the online division of Liverpool University in England. In fact, he had not completed a single course at Liverpool, and would not be receiving any sort of a degree from it. Booz Allen, not fully taking into account the discrepancy in his application, agreed to hire him as a trainee-analyst (and it did not change that decision even after it found out about his subterfuge.). According to Admiral McConnell, Snowden never actually worked in the Booz Allen offices, which are housed in a skyscraper in downtown Honolulu. Instead, he was immediately assigned to work at the NSA's highly-sensitive National Operations Threat Center in the tunnel at the Kunia base.

Before he could begin working there, however, he needed to fly to Maryland to take a mandatory orientation course at the NSA. The course was given in an 11 story building, with a sheer wall of black glass, on the NSA's 350 acre campus at Fort Meade in Maryland. He arrived there from Hawaii on April 1, 2013. Like every other Booz Allen contractors who work at the NSA's Center, Snowden was required to sign the "Sensitive Compartmented Information Non-Disclosure Agreement." In this document, Snowden acknowledged that he had been granted access to sensitive compartmented information, called SCI, as part of his work and that he understood that any disclosure of that information to an unauthorized person would violate federal criminal law. He was also told, as were all new contract employees a Booz Allen that its disclosure could damage the interest of the United States and benefit its enemies. In signing it, he swore an oath not to divulge any of this information without first receiving written approval from US authorities. So less than two months before he downloaded Sensitive Compartmented Information, he was fully aware of what would be the consequences of divulging this information. By this time, as discussed in the previous chapter, he had agreed to deliver classified data to three journalists.

On April 5, 2013, while still in the training facility in Maryland, he apparently sought to establish a paper trail for himself. He wrote a letter to NSA's General Counsel Office asking whether or not NSA directives take precedence over acts of Congress. A lawyer from the Office of General Counsel responded three days later, addressing Snowden as "Dear Ed." The lawyer said, agreeing with Snowden, that acts of Congress take precedence over NSA directives. He also suggested that "Ed" phone him if he needed any further clarification. Presumably, Snowden had written the letter to elicit a response that he could later use to bolster his claim to be a whistle-blower. Instead, the "Dear Ed" response was of little use to Snowden, as it did not dispute his point that NSA directives must lawfully conform to the acts of Congress. The NSA lawyer did not ever hear back from "Ed."

Snowden completed his orientation course at Fort Meade on Friday April 12, 2013. While he was in Maryland Snowden, he took time off to pay visits to both of his divorced parents. It would be the last time he would see either of them in the United States.

He returned on April 13th to Hawaii, One domestic task he to attend to was helping Mills pack up their possessions, which they stored in boxes in the garage. The lease on their house was up on April 30, 2013, so he found a temporary rental for them just a few blocks away.

On Monday April 15th, Snowden began on-the-job training as an analyst at the National Threat Operations Center—a training that he would not complete. The same week he began the training, he prepared his exit by writing Booz Allen that he needed a brief medical leave in May to undergo medical treatment for his putative epilepsy symptoms. Even though he had no planned any treatments, and, as far as is known did not suffer from epilepsy, Booz Allen required a minimum of one month's notice for foreign travel. By making the request, he lessened the likelihood that it would arouse undue suspicion when he departed Hong Kong with stolen documents on May 18, 2013. This brief window left him some four weeks to take the lists that he coveted.

Snowden carried out the heist with precision reminiscent of a "Mission Impossible" movie caper. First, he needed to get passwords to up to 24 compartments at the National Threat Operation Center that he had not been "read into." Even in the "open culture" of the NSA this was not an easy challenge since he no longer had a plausible pretext for asking other experienced threat analysts had their passwords, as he did when he was a system administrator at Dell. He would now be asking them to break strict NSA rules that prohibited intelligence workers from disclosing their passwords to an unauthorized party. In addition, they were supposed to report anyone who asked to use their passwords.

He may have obtained some passwords through deception, such as tricking them into typing in their passwords in a device that captured them. As the NSA informed Congress in 2014, three of his fellow workers told the FBI that Snowden may have deceived them to gain access their passwords. He may have also have used electronic means to have stolen the remaining passwords. In any case, however he accomplished this incredible feat, he gained access to 24 compartments containing the NSA's most closely guarded secrets in a matter of a few weeks.

Next, he had to find the lists he was seeking in a vast sea of data. He used for this task pre-programmed robotic devices, called "spiders" to crawl through the data and find the files he was after. Snowden deployed these spiders soon after he began working at the Center, raising the possibility that Snowden had prepared in advance the operation. According to the subsequent NSA damage assessment, Snowden's spiders indexed well over one million documents. Many of those that he copied and moved were from Level 3 "Sensitive Compartmented Information" according to the NSA analysis. The spiders also made his penetration relatively safe. As previously mentioned, the Hawaii base did not have a real time auditing system. So alarm bells would go off in the security office when he indexed documents.

Finally, Snowden had to find a way to transfer this data to a computer with an opened USB port. Most of the computers at the center had had their ports sealed shut to prevent unauthorized

downloads. Making the transfer even more difficult, he was working as an analyst-in-training in an open-plan office with security CCTV camera.

To be sure, there were also service computers with open ports used by the system administrators. They, after all, had to perform maintenance and back-up work. Even though Snowden was no longer a system administrator, he might still have been able to steal or borrow a service computer. Yet, despite all the NSA's and Booz Allen's security measures, he managed to download hundreds of thousands of level 3 documents to an unsealed computer.

He also took some less-sensitive documents from the administrative file (which contained mainly Level 1 documents) at the end of April. These late acquisitions included the now famous warrant from the FISA court issued on April 25 2013.

He completed the operation on Friday May 17, 2013, the last day he would ever enter the NSA facility. He transferred the data he had amassed on the service computer, including the lists of the computers in Russia and China that the NSA had succeeded in penetrating, onto thumb drives. Finally, he coolly walked past the security guards at the exit, who only seldom performed random checks on NSA employees.

He had carried out the entire operation with such brilliant stealth he left few, if any clues behind to how obtained 24 of his colleagues' passwords, moved the data from many different supposedly-sealed computers to an opened service machine or how he downloaded these documents to multiple thumb drives without arousing suspicion. In fact, the theft would not be discovered by the NSA for fifteen days.

His escape was also well-prepared. Lindsay Mills had departed that morning for a planned two week visit to the outer islands. This trip allowed him to pack his belongings without saying anything to her that might be difficult to explain to the authorities. He simply left a note she would see on her return, and could show to authorities saying that he was away on a "business trip." He also called to say good-bye to his mother and sister, who had been planning to visit him in Hawaii that month.

CHAPTER ELEVEN

The Escape Artist

"I'm not self-destructive. I don't want to self-immolate and erase myself from the pages of history. But if we don't take chances, we can't win."

--Snowden in Moscow

The next evening Snowden drove to Honolulu International Airport. He left his leased car in the parking lot. He took with him only carry-on baggage, including a back-pack and a laptop with a TOR sticker on it. "I took everything I had on my back," he said. Before leaving he also packed in his luggage the cash that would pay for his fugitive life. Along with the cash, he took the thumb drives containing the NSA's keys to the kingdom.

At this point, Snowden was still a free man. He was not wanted by the authorities. He had provided his employer and the NSA with a medical excuse for his absence from work so he would not be immediately missed. He also had a valid passport, a credit card, and ID. He had he yet made arrangements to meet the journalists. Snowden's destination was Hong Kong. After crossing the International Date Line, Snowden waited three hours in the transit zone of Narita. Here he was reportedly captured by the airports CCTV cameras sitting alone. He then boarded a plane to Hong Kong. After the four-hour long flight from Narita, he arrived in Hong Kong early in the morning on May 20th.

He had visited Hong Kong at least once before with Lindsay Mills when he was stationed in Japan. He had also made some arrangements. According to Albert Ho, his Hong Kong Lawyer, Snowden stayed at a residence arranged for him in advance by a party whom Snowden knew prior to his arrival. This "carer," Ho said, had assisted Snowden with his logistics. For the next ten days, Snowden did not use his credit card or leave any paper trail to his location. Wherever he was, "his first priority," as he told Greenwald, was to find a place safe from US countermeasures. He brought with him a large number of electronic copies of NSA documents marked "TS/SCI/ NOFORN, which stood for Top Secret, Sensitive Compartmentalized Information and No Foreign Distribution. According to government rules, data carrying these labels could not be removed from a government-approved "SCI facility." Yet Snowden, who brought them with him into this semi-autonomous zone in China, intended to break these rules.

At this venue, Snowden apparently believed he was relatively safe. "That whole period was very carefully planned and orchestrated," Snowden later told the *Guardian* in Moscow. Here, for the first time, Snowden communicated directly with first Gellman and then Greenwald.

He emailed Gellman under the alias "Verax

." Already, via Poitras, he had provided this *Washington Post* journalist with power point slides from a NSA presentation about a joint FBI-NSA-CIA operation codenamed PRISM. He believed it qualified as whistle-blowing because it revealed that the NSA, in intercepting emails, tweets, postings and other Web interactions about foreign terrorists, incidentally also picked up data about Americans. According to the rules imposed on the NSA by a 2007 presidential directive, whatever information accidently picked up about Americans was supposed to be filtered out, and hundreds of compliance officers rechecked the data ever 90 says to assure that directive was being carried. Even so, it was likely some data was not expunged in this process. So PRISM could cause embarrassment for the NSA.

Snowden proposed that Gellman join him in Hong Kong. In attempting to persuade him of the urgency of the trip, he wrote him that he had reason to believe that "omniscient State powers" imperiled "our freedom and way of life." He noted, with a touch of modesty, "Perhaps I am naïve." He added dramatically "I have risked my life and family." Even so, Gellman declined coming to Hong Kong. (According to Greenwald, Gellman could not make the trip because lawyers for the *Washington Post* were uneasy with having a reporter receive classified documents in a part of China.)

Next, on May 24, 2013, Snowden attempted to apply more pressure on Gellman by telling him that the story about the PRISM program had to be published by the *Post* within 72 hours. Gellman could not accede to such a condition because the decision of when to publish a story was made not by him but by the editors of the newspaper. He told Snowden that the earliest the story could be published was June 6, 2013, which was well past Snowden's deadline.

Snowden next turned to Greenwald. Both Poitras and Micah Lee had made great efforts to tutor Greenwald on encryption protocols, with Lee, who was in Berkeley, California, sending Greenwald by Fedex a DVD that would allow him to receive both encrypted messages and phone calls. Even then, Greenwald was unable to fully install it. As a result, Greenwald still had not met Snowden's requisites on encrypting his computer.

In addition, possibly because of a lost message, Snowden believed that Greenwald was reluctant to fly to the place that he designated for a meeting. With Gellman uncertain, Greenwald was now essential to his plan. If he was to have any newspaper outlet, he needed to persuade Greenwald to come to Hong Kong. At this point, he took matters in to his own hands. On May 25, 2013, Snowden somewhat aggressively emailed Greenwald "You recently had to decline

short-term travel to meet with me." He added pointedly "You need to be involved in this story." To further convince him, he suggested that they immediately speak on the phone via a website that encrypts conversations. The subsequent conversation lasted, according to Greenwald, two hours.

Snowden began the encrypted call by complaining, "I don't like how this is developing." He made it clear that he, not the journalist he had selected, was pulling the strings. If Greenwald wanted the scoop, he had to follow Snowden's instructions, which included dividing the scoops between the *Guardian* and the *Washington Post*. According to his plan, Gellman would break the PRISM story in the *Washington Post* and Greenwald would break the "mass domestic spying" story in the *Guardian*. In addition, he insisted that the *Guardian* publish his personal manifesto alongside its story. As he envisioned it, the media event would also include a video component in which Greenwald would interview him.

Once Greenwald agreed to this micro-managing, Snowden would send him what he called a "welcome package" of documents to demonstrate his good faith. His plan also required a face-to-face meeting. When Greenwald said he was aboard the project, Snowden told him "the first order of business is to get you to Hong Kong."

Snowden next sent him 20 classified NSA documents labeled "TOP SECRET." He also included in the package his personal manifesto, which asserted that the NSA was part of an international conspiracy of intelligence agencies that were working to "inflict upon the world a system of secret, pervasive surveillance from which there is no refuge."

Meanwhile, Snowden told Poitras, he was sending her a number of NSA documents including a recent FISA warrant. It had been issued less than a month earlier. He wanted that FISA warrant to serve as the basis of Greenwald's scoop. It was perfect whistle-blowing material for the *Guardian* because it ordered Verizon to turn over all its billing records for 90 days to the NSA. It was as close to a smoking gun as anything he had copied at the NSA. It would also get attention since James Clapper, the Director of National Intelligence, had stated before Congress just two months earlier that the NSA did not collect phone data in America. This warrant would allow the *Guardian*, in the best tradition of "Gotcha" journalism, to catch Clapper in an apparent lie.

Continuing his string-pulling, he instructed Poitras not to show the FISA warrant to Greenwald until they were safely aboard the plane. That measure would prevent Greenwald from releasing the story without coming to Hong Kong. He also sent Poitras an entire encrypted file of NSA documents, saying it would "include my true name and details for the record, though it will be your decision as to whether or how to declare my involvement." He did not send her the key to decipher the file, saying "The key will follow when everything else is done." He further told her that he preferred that her film focus on him as the sole perpetrator of the leak so that no one else at the NSA would be suspected. He instructed her "Your destination is Hong Kong."

Poitras and Gellman were not the only journalists involved in the news event. Poitras also asked the hacktavist Jacob Appelbaum to help her interview Snowden about the NSA's operations. She later said that she needed someone with technical expertise in government surveillance to test the bona fides of Citizen 4. She believed that Appelbaum, who had participated in her anti-NSA presentations in 2012, qualified for the position.

As it turns out, Appelbaum was already known to Snowden. Appelbaum had communicated with Snowden under his Oahu Crypto party alias about an obscure piece of software just a few after Snowden had met with Runa Sandvik in Hawaii in 2012. Appelbaum, after all, was Sandvik's long-time ally in developing the use of TOR software. However he learned about him, Snowden allowed Appelbaum to put to him detailed questions to concerning the secret operations of the NSA before he met with Poitras and Greenwald in Hong Kong. Indeed, Poitras joined him in asking Snowden via encrypted emails, such questions as: "What are some of the big surveillance programs that are active today and how do international partners aid the NSA?" "Does the NSA partner with other nations, like Israel?" and "Do private companies help the NSA?" Snowden answered them all to the satisfaction of Appelbaum and Poitras. (The interview was published on June16, 2013 with Snowden's approval on the website of *Der Spiegel*, the German weekly, which had also published the Wikileaks documents.)

Even though the days were ticking away while Snowden was waiting for him in Hong Kong, Greenwald still had to overcome a final hurdle at the *Guardian*. He needed to get a green light to go to Hong Kong from Janine Gibson, the editor of the *Guardian* website, who was based in New York. Under Gibson's leadership, the *Guardian's* website effectively "gone into the business of publishing government secrets," as *Guardian* columnist Michael Wolff pointed out. Most of these secrets had been supplied by Manning via Wikileaks. Few, if any of these previous documents the *Guardian* published were highly-classified and none were SCI top secret documents. The NSA documents Greenwald had received from Citizen 4 were another matter. They contained the sort of SCI communications intelligence data that no major newspaper had ever published before. Their disclosure could even result in journalists being imprisoned since both U.S. and British law criminalized the disclosure by anyone of communications intelligence. As a lawyer, Greenwald recognized this danger. On the other hand, the NSA documents were far more explosive than the Wikileaks material, and promised an even greater spike in circulation. So Greenwald assumed that Gibson would be willing to authorize the publication of the documents—and provide the expenses for his trip to Hong Kong to meet the source.

He flew from Rio to New York on May 30, 2013 to meet in person with Gibson, who had concerns about publishing what purported to be top secret documents that came from an anonymous source. For one thing, she was also not willing to go along with Citizen 4's demand that the *Guardian* publish his personal manifesto alongside the documents. Aside from its shrill and alarming tone, it sounded, as she told Greenwald, "a bit Ted Kaczynski-ish." She was referring to Ted Kaczinski, the deranged mathematician who had maimed or killed 23 people with anonymous mail bombs between 1978 and 1995. Like Citizen 4/Snowden, Kaczynski had

demanded that newspapers publish his personal manifesto. She explained to Greenwald, "It is going to sound crazy to some people." Her concern was that it would detract from the credibility of the rest of the story. Snowden had also written Greenwald a letter explain his position. "Even the Constitution is subverted when the appetites of power demand it," Snowden asserted, and paraphrasing President Thomas Jefferson, he continued. "Let us speak no more of faith in man, but bind him down from mischief by the chains of cryptography." Snowden, showing his cult-like faith in encryption, had "cryptography" for Jefferson's word "constitution. Despite his Jeffersonian rhetoric, she decided against publishing it or the Manifesto. The stolen NSA documents were another matter. They were an enormous scoop that could have a greater impact than the Wikileaks scoop. .She was not about to miss publishing it.

She authorized Greenwald's trip to Hong Kong on the condition that he take with him a Guardian staffer in whom she had confidence. He was Scottish-born Ewen MacAskill, a 61-year old veteran journalist who had been the Washington bureau chief for the *Guardian*. His assignment was to evaluate the mystery source in Hong Kong for Gibson. Greenwald accepted her terms. Poitras, who would be accompanying them, would be paying her own way.

Snowden, for his part, had a contingency plan in place in case the *Guardian* failed to publish the story. While Greenwald was negotiating with Gibson, he arranged for Micah Lee, Poitras' associate at the Freedom of the Press Foundation, to build a personal website for him. Writing Lee from Hong Kong under both his alias Anon108 and his real name, Snowden said that he planned to post on it his "anti-surveillance manifesto." He would also use it to post "a global petition against surveillance. (A year earlier his girlfriend Mills had also asked her followers on her "super hero" blog to sign a petition against government interference with the Internet.) Snowden had Lee name the site "Supportonlinerights.com." According to Lee, the website would be build with a "dead man's switch," which would automatically trigger the release of NSA documents if he was arrested. It was not clear whether Lee was doing this work as a freelancer or in his capacity as the chief technology officer for the Freedom of the Press Foundation. After Lee built the website for Snowden It proved unnecessary to activate it since Poitras emailed Snowden that the *Guardian* had approved the trip, and she and Greenwald were booked on a Cathay Pacific flight to Hong Kong. They would arrive on June 2, 2013,

In his preparation to go public in Hong Kong, Snowden showed himself fully capable of orchestrating what would become a major news story. He not only picked the journalists who would break it, but he instructed each of them as to the timing, sequence, and content of their initial disclosures. In the security of his residence in Hong Kong, he also worked to carefully separate the purloined NSA documents into two very different caches. "I carefully evaluated every single document I disclosed," Snowden explained to the *Guardian* journalists in early June 2013. The documents in this first cache were selected to serve what he termed the "public interest." In the hands of journalists, these selected documents, and the story he fashioned to accompany them, would burnish his image in the public consciousness as a whistle blower. He did

not turn over the second cache, telling Greenwald, “There are all sorts of documents that would have made a big impact that I didn't turn over.”

By the time he received the message from Poitras on June 1st, Snowden had finished his preparations for the journalists. With selected documents copied on a thumb drive, he moved from the residence where he had been staying for ten days to a venue for meeting the reporters. The place he chose was the five-star, $330 a day, Mira hotel in the Kowloon district of Hong Kong. He checked into room 1014 under his own name and provided the front desk with his own credit card. He next emailed Poitras his name and the address of the Mira hotel. There was no longer any reason to hide his true identity because the rendezvous with journalists would make him famous in a matter of days.

CHAPTER TWELVE

Whistle-blower

"They elected me. The overseers... The [American] system failed comprehensively, and each level of oversight, each level of responsibility that should have addressed this, abdicated their responsibility."

--Edward Snowden in Moscow

While Snowden was attempting to reel in the journalists in Hong Kong, Lindsay Mills received a jarring surprise in Hawaii. When she returned to Honolulu from her "island-hopping" trip, she found Snowden was still away and the rented house partially flooded from a leak. The brief note Snowden left her indicated that her eight year relationship with Snowden had, at least temporarily, been put on hold by him. "I feel alone, lost, overwhelmed, and desperate for a reprieve from the bipolar nature of my current situation," she wrote in her journal on June 2nd (which would be June 3rd across the international time line in Hong Kong.) "I've nearly lost my mind, family, and house over the past few weeks." She also noted that she her SIM card containing her personal data was gone. She wrote in her on-line journal" "Oh and I physically lost my memory card with nearly all my adventure photos." The loss would make it difficult to reconstruct her past activities with Snowden.

In Hong Kong, if Snowden was following Lindsay's online journal, he would have read that his girl friend had returned home, lost her data and needed a "reprieve" from the situation in which he had put her. But since they were exchanging private text messages by then, he would not have needed to consult her public journal. Snowden was certainly aware that he would soon be the object of a manhunt that could involve those with whom he was acquainted. He instructed Poitras to mask their email communications in cyber space "so we don't have a clue or record of your true name in your file communication chain." Such precautions were necessary, he explained to her because "every trick in the book is likely to be used in looking into this."

The journalists arrived late in the evening of June 2nd, 2013. Snowden's message was waiting. Snowden's instructions were themselves an exercise in control. Snowden had written them: "On timing, regarding meeting up in Hong Kong, the first rendezvous attempt will be at 10 A.M. local time. We will meet in the hallway outside of the restaurant in the Mira Hotel. I will be working on a Rubik's cube so that you can identify me. Approach me and ask if I know the hours of the restaurant. I'll respond by stating that I'm not sure and suggest you try the lounge instead. I'll offer to show you where it is, and at that point we're good. You simply need to follow naturally." Even though such tradecraft was unnecessary since Snowden was registered at the hotel under his true name, he had provided the journalists with the atmospherics of "an international spy thriller," as Greenwald subsequently described the instructions.

MacAskill had stayed at the W Hotel when Poitras and Greenwald Poitras went to the Mira Hotel. Poitras did not want to bring along an uninvited guest to the first meeting with Citizen Four. As instructed, at 10 AM on June 3rd, she and Greenwald went to the Mira restaurant. They gave the recognition signal, twice. After a few minutes, a young man walked over to them, holding a Rubik cube. Greenwald noted: "The first thing I saw was the unsolved Rubik's cube twirling in the man's left hand." The man said "Hello" and introduced himself as "Ed Snowden." Greenwald was particularly surprised by Snowden's boyish looks. "The initial impression was one of extreme confusion," Greenwald wrote in his book. "I was expecting to meet somebody in his sixties or seventies, someone very senior in the agency, because I knew almost nothing about him prior to our arrival in Hong Kong." His initial confusion was understandable. Snowden, it will be recalled, had falsely identified himself to them in an email as a senior member of the intelligence community.

Snowden led Greenwald and Poitras through various corridors of the hotel to his room, 1014. It was in a single room mainly occupied by a king-sized bed. Its other furniture included a sleek writing desk in the corner, a modernistic chair and a tall lamp. The bathroom was behind a glass partition, which could be closed off by a black louver blind. There was also a small refrigerator in the minibar in which Snowden asked them to stow their cell phones,

Snowden had already told Poitras that he wanted her to make a documentary of the meeting. She therefore wasted no time in mounting her camera on a tripod. "Minutes after meeting, I set up the camera." Snowden had told her, as she later recalled, "when you are involved in an action which is likely to get you indicted, you typically don't have a camera rolling in the room." Nevertheless, he allowed her to film his actions for the next eight days. One possible reason is that he had no intention of standing trial. In any case, as Poitras found out, Snowden was anything but camera shy. Over the next week, she would shoot over 20 hours of Snowden's activities in that small room. It was essentially a one man show, a presentation of him, by himself, for the appreciation of a global public. Poitras knew virtually nothing about her subject until ten minutes before she began filming him. She had not even googled him, since she was concerned that her Internet search might alert the NSA and law enforcement authorities

In an extraordinary waiver of his own privacy, he allowed her to film him washing in the bathroom, preening his hair in the mirror, napping on his bed, getting dressed, and packing his bag. He even permitted her to film a private computer exchange between him and Mills (who was in Honolulu.) Mills now informed Snowden that two government investigators had come to their home in Hawaii. Mills reported that they were asking her about Snowden's whereabouts. Evidently when he had failed to show up for work on June 1st, it set off alarm bells at Booz Allen and the NSA. Snowden expressed anger to the journalists in the room at the NSA intrusion on the privacy of his girlfriend (although he had left her in the lurch by telling her in the note he was away on a brief business trip.)

Snowden also performed his security procedures on camera, including stuffing bed pillows under the door to block any eaves-droppers, throwing a red blanket over his head, which he called jokingly his "magical cloak of power." He explained to Greenwald that his donned his "cloak" when he turned on his laptop to prevent any hidden cameras in the room from spotting his password. He also checked the hotel phone for bugs. It was not without irony that he went through these security rituals to protect his data as he allowed Poitras to film NSA data on his computer screen. Since he planned to use these journalists as his outlets to go public in a few days, the security measures he did while on camera would only serve a temporary purpose.

The centerpiece of the planned video would take the form of an interview with Greenwald. Snowden himself provided the talking points. The filming would eventually provide Poitras with a feature-length movie, *CitizenFour,* which would be commercially released in October 2014 and win an Academy Award for her.

The next day, Wednesday June 4th, Ewen MacAskill, the *Guardian* editor, joined Poitras and Greenwald in Snowden's room. Snowden insisted that he also go through the ritual of stowing his cell phone in the mini-bar refrigerator. Not without irony, Snowden's own phone can be seen on his bed recharging. Although MacAskill was sent by Gibson to the event to verify the source's bona fides, he apparently had not been well briefed. The questioning went as follows:

MacAskill: Sorry, I don't know anything about you.

Snowden: OK, I work for—

MacAskill: Sorry, I don't know even your name.

Snowden: Oh, sorry, my name is Edward Snowden. I go by Ed

MacAskill went on to ask him to enumerate the various positions he held during his career in intelligence. Snowden was not entirely truthful in describing himself. He said that he had been a senior adviser to the CIA, when he had been just a telecommunications support officer in the CIA. He also said he had been a senior adviser at the Defense Intelligence Agency (DIA) even though, according to that intelligence service, he was not actually ever employed there. (He merely spoke at an interagency counterintelligence course the DIA had sponsored.) He said he had a $200,000 a year salary from Booz Allen when, according to Booz Allen, it was $133,000. It is understandable that he wanted to impress these *Guardian* journalists in light of his young age and boyish appearance, even to the extent of meretriciously claiming in the video that he personally had been given the "authority" at the NSA to intercept President Obama's private communications, which, according to a NSA spokeswoman, was not true. No NSA employee, and certainly not a civilian contract worker, was given the authority to soy on the President of the United States, she insisted. Such career enhancements suggest that Snowden altered factual reality when it suits his purpose with journalists.

Even though Snowden had greatly exaggerated the positions he held with the CIA and DIA, no effort was made to check them by the team of journalists. Instead, MacAskill wrote Janine Gibson in New York "The Guinness is good." It was a pre-arranged code by which MacAskill certified Snowden's credibility for the *Guardian*. Gibson told Greenwald to proceed with the story.

Greenwald wrote his first story about NSA transgression based almost entirely on the FISA warrant that Snowden had copied from the administrative file. Before the story could be published, however, the *Guardian* policy required relevant American government officials be allowed to respond. Gibson made the requisite, if pro forma, call to the White House National Security spokesman, Caitlin Hayden, who arranged a conference call with FBI Deputy Director Sean Joyce, NSA Deputy Director Chris Inglis and Robert Litt, the legal officer for the Office of National Intelligence. After duly taking into account the response of these three officials, which included the admonition by Litt "no serious news organization would publish this," Gibson gave the green light to publish the story. It was, after all, an incredible scoop.

The story finally broke finally on June 5, 2013. "NSA Collecting Phone Records of Millions of Verizon Customers," proclaimed the *Guardian* headline. Under Greenwald's byline, it said: "Exclusive: Top Secret Court Order Requesting Verizon To Hand Over Call Data Shows The Scale of Domestic Surveillance Under Obama." Along with it was the FISA warrant to Verizon. The PRISM story broke hours later in the *Washington Post*. Written by Gellman and Poitras, it claimed that the NSA and FBI were tapping directly into the central servers of nine leading U.S, Internet companies which were knowingly participating on the operation. The latter allegation turned out to be not entirely true, since all the Internet companies cited in the story denied that they had knowingly participated. But the damage had been done. The back-to-back publication of these two stories by the *Guardian* and *Washington Post* provided the explosive "shock," at least in the global media, that Snowden had predicted.

Snowden's identity had not been revealed in either the *Guardian* or *Washington Post* stories on June 5th. Snowden, however, insisted on outing himself. He explained to Greenwald that he needed to "define himself" before the US Government "demonized" him as a spy. That self-definition would be accomplished by the 12 minute video, entitled "Whistleblower." For it, Poitras extracted from the 20 hours she had shot much of the material for the video. In the filmed interview, Snowden voiced many of the same statements he had made in his manifesto. So he no longer needed to post the manifesto on the Internet. Instead, he used the video to broadcast his views. When he insisted on the immediate airing of the video, Greenwald told him that by going public in this way he was saying "fuck you" to the American government. Snowden replied, "I want to identify myself as the person behind these disclosures."

On June 9th, the video was posted on the *Guardian* website with the Freedom of the Press Foundation getting an on-screen credit. "My name is Ed Snowden," the extraordinary disclosure began. He then described how the NSA was watching U.S. citizens. Even though the NSA

subsequently disputed some his more dramatic claims, such as his assertion that he had the authority at the NSA "to wiretap anyone, even the President," the press largely accepted his claims as established facts. As for American surveillance, he declared "I don't want to live in a society that does those sorts of things."

He had succeeded in defining himself for the public. The *Guardian* story accompanying the video carried the headline, "EDWARD SNOWDEN: THE WHISTLE BLOWER BEHIND THE NSA SURVEILLANCE REVELATIONS." Snowden's identity as a whistle-blower was now established in the media. Overnight, Snowden became a global celebrity and, to much of the world, a hero.

Snowden, in fact, did not sacrifice him. He vanished from public view after the release of the video. He provided Poitras and Greenwald with thumb drives on which he had loaded the documents he wanted them to use. The next morning he packed his belongings into a backpack and moved, without notifying the front desk, to the room Poitras had rented at the Mira.

Complicated schemes, especially when they involve transferring state secrets to unauthorized parties in a foreign country, do not necessarily go as planned. On the morning of June 10th, 2013, Snowden's escape plan apparently ran into a problem. Robert Tibbo and Jonathan Mann, the lawyers who, along with Albert Ho, had been retained for Snowden by an unidentified party, received an emergency phone call early in the morning telling them to help Snowden move to a safe location. Although Tibbo would not identify the person who had called, the message had been relayed to Mann and him through Ho's office. He told Tibbo over the phone, "I can make myself unrecognizable"

Tibbo and Mann immediately proceeded to the mall adjacent to the Mira hotel, where they met Snowden. After he signed a document appointing Ho's law firm as his "legal adviser," they slipped out of via the mall exit.

As his credit card had been frozen, it is not clear who paid his $3,300 hotel bill. According to hotel records, it was paid by another credit card. Poitras, who taken a room at the hotel may have used her credit card or Snowden may have had another benefactor in Hong Kong. In any case, the lawyers escorted Snowden to a pre-arranged residence.

"I am in a safe house for now," Snowden wrote Greenwald on June 11th. The situation may not have been totally under his control, since he added: "But I have no idea how safe it is."

Greenwald flew back to Brazil that day. Soon afterward, he would resign from the Guardian and in February 2014 become the co-founding editor of *The Intercept*, an online publication dedicated to adversarial journalism which was backed by Internet billionaire Pierre Omidyar.

Poitras remained in Hong Kong, where she moved, along with *Guardian* reporter MacAskill, to the five-star Sheraton Hong Kong Tower, which, like the Mira hotel, was on Nathan Road in Kowloon. Her next task was to set up what was to be Snowden's final interview in Hong Kong. It was scheduled for June 12th.

The journalist chosen was Lana Lam, a young Australian reporter working for the *South China Morning Post*. Tibbo had suggested Lam to Snowden. She had served as Tibbo's outlet on previous news stories, and, as he told me, he found her to be a totally reliable journalist. He brought her to Poitras' suite at the Sheraton in Kowloon (about eight blocks down Nathan Road from the Mira.) First, Lam had to agree to the conditions of the interview, which included submitting the story to Poitras for Snowden's approval. Next, as Lam put it, Poitras "confiscated" her cell phone. Finally, after a ten minute wait, Poitras took her to another room and sat her before a black laptop. The laptop, which had a TOR sticker on it, had on its screen an on-line chat room where she was connected by Poitras to Snowden.

"Hi Lana, thanks for coming for this," Snowden said from his safe house. He told her that the NSA had intercepted data from at least 61,000 different computers in Hong Kong, China, and elsewhere. To expose what he called America's "hypocrisy" in accusing China of cyber-espionage, he supplied her NSA documents for the *South China Morning Post*. "Last week the American government happily operated in the shadows with no respect for the consent of the governed, but no longer," he said. "The United States government has committed a tremendous number of crimes against Hong Kong [and] the People's Republic of China as well." Under Poitras' close supervision, Lam was allowed to ask Snowden further questions about the NSA's interception of communications in Hong Kong and China. He told her "I have had many opportunities to flee Hong Kong, but I would rather stay and fight the US government in the courts."

As mentioned earlier, Greenwald, Poitras and MacAskill did not concern themselves with the issue of the mechanics of the largest theft of top secret documents in the history of the United States. In entire filmed interview at the Mira Hotel, they did not ask their source how he managed to get access to the documents. Unlike those interviews, Lam asked him about how he widened his access. She cut to the core of the matter by asking him a crucial question. "Why he had switched jobs from Dell SecureWorks to Booz Allen Hamilton in March 2013? His answer provided her with a real scoop He replied that, "My position with Booz Allen Hamilton granted me access to lists of machines all over the world the NSA hacked." Snowden told her that he deliberately went to Booz Allen Hamilton to get access to the "lists" revealing the NSA's sources in foreign countries. This admission could gravely complicate his legal situation in Hong Kong since it suggested that he meant to steal documents even before he had known their content. In fact, to protect himself, he restricted Lam from publishing this part of the interview until *after* he had departed Hong Kong. (It was published until June 24, 2013 a day after he arrived in Russia.) This condition indicated to Lam that as early as June 12th, if not before that, he was planning on leaving Hong Kong (although he did not tell her his next destination.)

His interview with Lam went only so far. He didn't reveal how he had learned about these "lists" before taking the job. Nor did he reveal to her how he planned to dispose of these lists. He made it clear to her, however, that he had not yet disposed of all his secret documents. "If I have time to go through this information," he said, "I would like to make it available to

journalists in each country to make their own assessment, independent of my bias, as to whether or not the knowledge of U.S. network operations against their people should be published." So as late as June 14th, Snowden was still reading and assessing the files he had stolen from the NSA four weeks earlier.

Poitras vetted the Lam interview. Soon afterwards she suspected that she was being followed. That was likely since by this June 14th all the intelligence services in Hong Kong knew that she was in contact with Snowden. "I was being tailed," she recalled in an interview with a *Vogue* reporter in Berlin in 2014. "The risks became very great," she said in describing her situation in Hong Kong. So, on June 15th, she left Hong Kong and flew back to Berlin, where she began editing her footage of the Snowden interview.

Meanwhile, Snowden was organizing his own exit from Hong Kong. He placed a call to Julian Assange.

CHAPTER THIRTEEN

Enter Assange

"Thanks to Russia (and thanks to WikiLeaks), Snowden remains free." – Julian Assange

Born on July 3, 1971 in Queensland, Australia, Julian Assange had made a brilliant career of trafficking in state, military and corporate secrets. While still a teen-ager, using the alias "Mendax" (the untruthful one), he had hacked into the computers of the Pentagon, the U.S. Navy, NASA, Citibank, Lockheed-Martin and Australia's Overseas Telecommunications Commission. At the age of 25, pleaded guilty to 25 charges of hacking in Australia, but was released on a good behavior bond. In 2006, with the spread of TOR software, he co-founded Wikileaks, a website in which secret documents could anonymously be sent and posted. The site received little public attention until Bradley Manning sent it several hundred thousand lowly-classified U.S. military and State Department documents in April 2010. With these stolen documents, Wikileaks became a media sensation and Assange, the runner-up for *Time*'s Man-of-the Year for 2010, became a leading figure, along with Appelbaum, in the global hacktavist underground. In November 2010, however, he also ran into a legal problem. A judge in Stockholm, Sweden ordered his detention on suspicion of rape, sexual molestation and unlawful coercion. He denied the charges but he was arrested in London on a European arrest warrant for him. In December, he was released on a $312,700 bail deposit (supplied by his supporters) and confined to Ellingham Hall in Norfolk, England. While awaiting the outcome of the extradition proceedings, he lived there with Sarah Harrison, his 28- year deputy at Wikileaks. A graduate of the elite Sevenoaks School in Kent, she also served as Assange's liaison with the outside world. Although she officially was given the title "investigative editor" of Wikileaks, she worked so closely with Assange during this period that the British press carried stories saying she was his paramour. During this period, Harrison also worked on a Wiki leak's documentary entitled "Mediastan/" The film concerned Wikileaks' exposure of US secret operations in Russia and other parts of the former Soviet Union. It was also a project which took her to Russia and provided her with a multi-entry Russian visa.

In June 2012, after the extradition order was upheld, he jumped bail and fled to the Ecuador embassy in London. For the next year, his only visible means of income was a weekly program from the embassy. It was sponsored by RT Television, a Moscow-based English-language news channel funded by the Russian government, which would also finance and release "Mediastan."

Snowden telephoned Assange at his refuge at the Ecuador embassy on June 10, 2013. According to Assange, Snowden needed his help for his exit plan. He wanted Assange to use Wikileaks' "resources" to get him out of Hong Kong. Assange considered it a surprising request since Snowden had not given any of the stolen documents to Wikileaks. In their discussion,

according to Assange, Snowden claimed that one reason he decided to take the secret NSA documents was the brutal treatment of Bradley Manning after he was arrested in 2010 by the US government. "Snowden told me they had abused Manning in a way that contributed to his decision to become a whistleblower," Assange said in an interview in 2015. If Manning's mistreatment was Snowden's motive, it was a sharp departure from the position that Snowden had taken in his postings on the *Ars Technica* site in January 2009. He complained in a post on *Ars Technica* about the detrimental consequences to U.S. intelligence of leakers revealing "classified shit" to the *New York Times*, and he suggested as punishment "those people should be shot in the balls." Either he either had a change of heart about punishment or he was telling Assange what he believed he wanted to hear.

Assange did not suggest that Snowden go to Ecuador to seek asylum. He counseled him to go directly to Russia. "My advice was that he should take asylum in Russia despite the negative PR consequences," he told the (London) *Times* in 2015. He found "Snowden was well aware of the spin that would be put on it if he took asylum in Russia." Assange had another way for Snowden to defuse the "PR consequences" of Snowden landing in Moscow. A story would be released, coinciding with his departure, asserting that Snowden was "bound for the republic of Ecuador via a safe route."

When Snowden asked how he would carry out the plan, Assange told Snowden that he would immediately dispatch one of his senior staff members to help him engineer his escape to Russia. That senior staff member was Sarah Harrison,

After speaking to Snowden, Assange called Harrison, who was in Melbourne, Australia. She had gone there a month earlier to help organize Assange's somewhat quixotic election campaign for President of Australia, Assange now told her to forget the campaign and go to Hong Kong. Her mission there was to use Wikileaks resources to save Snowden from "a life time in prison." Presumably, he also told her that he advised Snowden to proceed to Russia, where Harrison had a visa since part of her work on the Mediastan film was done in Moscow.

Harrison did not hesitate in following Assange's instructions. She later said that she didn't even bother to pack her clothing. She caught the next plane out of Australia.

After an eight hour flight, she arrived in Hong Kong on June 11th—the same day that Snowden texted Greenwald he was in a safe house. Harrison had her own connections in Hong Kong. Both her two younger sisters, Kate and Alexandra Harrison, who had also attended Sevenoaks, lived there and were part of the expatriate community. She also had an older brother, Simon Harrison, who headed Avro, a ship brokerage and commodity trading company. Although headquartered in Singapore, Avro also operated out of Hong Kong, and he frequently travelled there.

Like Poitras, Harrison took great care to shield her movements. She did not even have a Twitter, Facebook or any other social media account. She made it a point not to own a cell

phone for fear of being tracked by an intelligence service. When she travelled, she bought "burner" phones locally and disposed of them before any calls could be traced back to her. A precaution she took that June was not to meet Snowden face-to-face out of concern about the surveillance of American intelligence in Hong Kong. Instead, for her first 13 days in Hong Kong, she worked behind the scenes, through intermediaries. Her task was not only to arrange his escape route but also to create diversions to camouflage his real destination. Under Assange's tutelage, she had made deceptive ploys an integral parts of her trade craft. "We were working very hard to lay as many false trails as possible," she later told an interviewer in Berlin. According to Assange, she booked decoy flights for Snowden to Beijing, China and New Delhi, India. She also used Snowden's credit card numbers to pay for the flight to India, She knew that since the card was blocked, there was a high probability that it would come to the attention of US intelligence. In all, according to Harrison, she booked no fewer than dozen such decoy tickets to confuse Snowden's pursuers in US and British intelligence. The only actual tickets she bought for Snowden, according to an Aeroflot official, was a one-way ticket to Moscow. She paid for it at the last minute. She also bought a ticket for self on the same flight leaving on June 23, 2013.

The source of the money for the Assange-Harrison operation was unclear. Subsequently, Harrison said she was setting up secret bank accounts to help organize escape, but in Hong Kong in 2013, Assange says she was using "Wikileaks' resources." Harrison said the "Wikileaks team" helped fund Snowden's flight to Russia from Hong Kong, as well as her own flight there. But Wikileaks in June 2013 was not an organization with spare cash. Assange had forfeited his own bail by fleeing the embassy of Ecuador, offending many of his financial supporters in Britain. He also all but exhausted his bank account. Aside from money that dribbled in from Poitras' five-month old Freedom of the Press Foundation, the only visible source of funds for Wikileaks was the previously-mentioned payments Assange received from RT Television. British intelligence officers who reportedly subsequently examined Wikileaks' bank finances in London found no transfers to the "Wikileaks team" in Hong Kong.

While Harrison was organizing Snowden's escape, she remained in the deep background. Meanwhile, mounting pressure was brought on the Hong Kong government to take action by the U.S. On June 16th, the U.S. government informed the Hong Kong authorities that it had filed a criminal complaint against Snowden and would be seeking his extradition. Since Hong Kong had a vigorously enforced extradition agreement with the United States, the Hong Kong authority would be expected by the US to take Snowden into custody. But Hong Kong was not entirely independent in national security issues. China had the final say in any extradition decision. In fact, China had explicitly been given the right of vetoing any extraditions for any reason in the formal 1999 agreement between Hong Kong and the U.S. Since its President had just met with President Obama in California, China also had an interest in avoiding embarrassing public demonstrations on behalf of Snowden. After he had held his press event, it wanted him out of Hong Kong. According to a well-placed official in Hong Kong, it told the Hong Kong Authority

in no uncertain terms that Snowden had to be out of Hong Kong by the end of the week, or June 23rd.

On June 19th, Snowden had a meeting with Tibbo, the barrister who would handle the court case, and Mann and Ho, the Hong Kong solicitors who had been retained for him. It took place in a small apartment where, according to Ho, they ate pizza while they discussed Snowden's options.

Tibbo had a strategy for Snowden. It required that Snowden remain in Hong Kong, allow himself to be arrested, seek bail and fight extradition in court. Tibbo said he planned to mount a powerful legal defense against extradition by using a provision in Hong Kong's extradition treaty with the United States that protects fugitives from persecution on political grounds. After he told Snowden that it would entail a long court battle, Snowden asked him if he could avoid even being arrested.

Tibbo explained that Hong Kong courts, which closely follow British law, would certainly issue an arrest warrant for him immediately after the US formally filed charges against him. Those charges could come within hours, he reckoned. Soon afterwards, Snowden would be temporarily jailed and his computers, electronic gear and thumb drives would be seized and placed in the custody of the court. Tibbo would immediately seek his release on bail but could not guarantee an outcome since Snowden, who had fled U.S. jurisdiction, might be considered a flight risk. If so, Snowden could remain incarcerated during the long court battle. Even so, during the litigation, Snowden would have a platform to make his case against US surveillance. Indeed, Tibbo's strategy involved building massive public support for Snowden's cause.

Once the US government filed charges, he could further expect it would invalidate his passport to go anywhere except for his return to the US and Interpol would issue a red alert to all its members. Since the case involved national security secrets, the Hong Kong court might also deny him any use of the Internet until the case was settled. If Snowden wanted to leave Hong Kong, he had to act swiftly.

Tibbo, although evasive on the point when I interviewed him, may not have known about the escape Harrison was planning As far as he could see, Snowden's other alternatives were not good. He had no money and his credit card had been blocked. He had no visas to go any other country and Interpol would issue its own "red notice" as soon as the US filed formal charges against him. At that point, Hong Kong airport authorities would be officially notified and could prevent him from leaving the city. Even if he somehow got out, he would be an international fugitive. Tibbo counseled Snowden to seek redress in the Hong Kong courts.

But Snowden had no intention of allowing himself to be arrested. Despite what he told Lana Lam only one week earlier, at least for publication, about his determination to seek justice in the Hong Kong courts, he had not planned to use Hong Kong as anything more than a temporary stop over on his escape route. Two later months later and safely in Moscow, he made this point

clear in a lengthily interview with Alan Rusbridger, the editor of the *Guardian*. He told him that it never had been part of his plan to use Hong Kong to escape the legal consequences of his act. "The purpose of my mission [to Hong Kong] was to get the information to journalists." If so, he had been merely using Tibbo, Mann and Ho to provide him with temporary cover while, following the instructions of Assange, Harrison laid down the smokescreen for his escape to Moscow.

CHAPTER FOURTEEN

Fugitive

"If I end up in chains in Guantanamo, I can live with that."

■ —Edward Snowden, Hong Kong

During his interview with Poitras and Greenwald, Snowden said stoically "If I am arrested, I am arrested." His fatalistic words notwithstanding, Snowden had made plans to seek a haven from American justice well before his meeting with journalists in Hong Kong. As early as May 24, 2013, Snowden had suggested to Gellman that he was making arrangements with a foreign government. To that end, he asked Gellman to insert an encrypted key in Internet version of the NSA expose that Snowden proposed he write for the *Washington Post*. He told him the purpose of the encrypted key was to assist him with a foreign government. Snowden did not identify that foreign government to Gellman so Gellman knew that Snowden wanted to "seek asylum" overseas. He decided against assisting him. "I can't help him evade U.S. jurisdiction—I don't want to, and I can't," he later explained. "It's not my job. It's not the relationship. I am a journalist."

Although Gellman suspected that Iceland might be the foreign government in question, Snowden, as it turned, had not ever contacted the consulate of Iceland while he was in Hong Kong. "We had heard nothing from Snowden," an Iceland government official told *Vanity Fair*.

Snowden also did not contact the government of Ecuador in Hong Kong. In late June, while Harrison was laying down false tracks for Snowden in Hong Kong, Assange in London asked Fidel Narváez, who was a friend of his and the legal attaché in the London embassy of Ecuador, to issue a document that Snowden could use. But this document was not delivered to Snowden in Hong Kong (and later it was invalidated by Ecuador.) If Snowden had really planned to go to Ecuador from Moscow, it would require him first going to Cuba. Cuba did not even require a U.S. passport (as, in 2013, U.S, citizens were not supposed to travel to Cuba.) He did require a Cuban travel document, which he could have obtained from the Cuban consulate any time during his month in Hong Kong. Yet he did not ever obtain it. Nor did he acquire a visa to go to any other country in Latin America or elsewhere. So where was he headed?

Whatever foreign government with which Snowden was dealing earlier in May presumably did not have an extradition treaty with the United States. Yet few other foreign governments, which did not have active extradition treaties with the United States, could be directly reached by air.

With three notable exceptions, the flights to them had stopovers in a country that was an ally of the US, and which could seize Snowden. The three exceptions were China, North Korea (via China) and Russia.

The only one of these three countries, or any other country, that Snowden is known to have dealt with directly during his 33 day stay in Hong Kong, was Russia. As previously discussed, he had dealings with Russian "diplomatic representatives ", as Putin called them. Putin did not provide the date of these contacts but he provided an intriguing clue. Snowden was identified to him, according to Putin, not by name but merely as an "agent of special services." Putin's description suggests the meeting had taken place before Snowden became a household name on June 9, 2013.

For his part, Snowden was evasive when discussing his contacts with Russia while still in Hong Kong. When Lana Lam asked Snowden on June 12, 2013 whether he had already requested asylum from the Russia government, he deferred, saying: "My only comment is that I am glad there are governments that refuse to be intimidated by great power." As it turned out, Snowden was correct. The Russian government was not intimidated by the threats of reprisals by the United States, as the Obama Administration would learn after his arrival in Russia on June 23, 2013. But the only way that Snowden could not have known that fact on June 12th was by being in contact with Russian officials prior to his interview with Lam. Of course, he may have had multiple contacts on different dates with these officials. The Russian pro-government newspaper *Kommersant* reported that Snowden had visited the Russian consulate on more than one occasion and had been given a birthday celebration there on June 21, 2013.

What we do know about Snowden's interactions with the Russians in Hong Kong comes partly from Putin's own description of them. Putin said, it will be recalled, that his decision to facilitate Snowden's escape to Russia had been kicked all the way up the Russian chain of command for him to personally decide Snowden's fate. Presumably, this decision-making process began earlier than June 21, 2013, when he reportedly came to the consulate. The question is: how much earlier? Since Snowden had arrived in Hong Kong on May 20th, 2013, his contacts with Russian officials could have occurred as long as a month earlier. That would fit in with Snowden telling Gellman on May 24th that he needed his help in dealing with the diplomatic mission of an unnamed country. In any case, Putin tells us he learned an American "agent of the special services" had contacted Russian diplomats because he wanted assistance. And Snowden did need assistance to escape from Hong Kong. As he had no visas, he would require the sort of assistance that could only be provided by a government willing to defy the United States. The assistance came from Russia.

Nine days before Snowden boarded Aeroflot flight SU213 to Moscow on June 23rd, the US had filed a criminal complaint against him. It had also alerted Hong Kong authorities and Interpol when it unsealed the complaint on June 21, 2013. And on June 21st it had invalidated his U.S. passport (although he still had it in his possession at the Hong Kong Airport.) Since by this time

he was the most famous visitor in Hong Kong, his passage through passport control may have reflected the acquiescence of the Hong Kong authorities to the reported request of China to be rid of Snowden by June 23rd. All we know for certain is that Hong Kong airport police did not stop Snowden.

He was allowed on the Aeroflot flight at Hong Kong International Airport. Aeroflot, a state-owned airline, presumably responds to the Russian government when matters of state security are concerned. According to one Aeroflot official, ordinarily all international passengers are required to have a valid passport as well as a visa to the country of final destination. Snowden had neither a valid passport nor a visa. These boarding requirements were waived so that Snowden was able to board the flight to Moscow.

Snowden only met Harrison in person on June 23rd, the day he was to depart Hong Kong. She was waiting for him in the private car that Jonathan Mann had arranged to take him to the airport that morning. Snowden was dressed in a grey shirt and khaki slacks. Harrison was also casually dressed in jeans and flip-flops. She said she chosen this dress style so that they would blend in at the airport with vacationing tourists. As she had financed the trip, she was apparently now calling the shots. Harrison's concern was that they might be arrested at the airport, so Mann accompanied them through passport control. He was able to do this because he bought a ticker on a cheap international flight. Harrison also gave Mann a phone number to call if they got arrested. When they finally boarded the flight at 12:45 pm, Harrison effectively became Snowden's second "carer"—a job that would require her presence in Moscow for the next four months.

Once the plane took off, Snowden, who had only said a few words in the car, said to her, as she recalled, the first full sentence she had heard from him. It was "I didn't expect that WikiLeaks was going to send a ninja to get me out."

Meanwhile, Assange continued creating "distractions," as he put it. On June 24th, a booking was made for Snowden on the Aeroflot flight to Cuba, and this information was relayed to the foreign press organization in Moscow, resulting on over a dozen reporters buying tickets on the flight. But Snowden never showed up for the flight. This ruse resulted in these foreign correspondents flying to Havana. "In some of our communications, we deliberately spoke about that [flight] on open lines to lawyers in the United States," Assange said. One subsequent piece of his misinformation was that Snowden was flying to Bolivia on the private plane of Bolivian President Evo Morales (who was then in Moscow for a meeting.) That misinformation had the desired effect. US allies in Europe, including France, Spain and Portugal refused to allow that plane to fly through its airspace, forcing the plane to land in Austria. This Assange-inspired distraction caused an international incident but did not change the fact that Snowden was in the custody of Russia.

Snowden himself came to realize that those assisting him, including Assange and Harrison, were taking serious risks. "Anyone in a three-mile radius [of me] is going to get hammered," he later explained to a reported from *Vogue*. (After finally leaving Snowden in Moscow on November 3, 2013, Harrison moved to Berlin, where she set up an organization to provide, as she termed it, "an underground railroad" for other fugitives who have provided documents exposing government secrets.)

Snowden meanwhile received sanctuary in Russia. His public statements in Hong Kong that he was willing to go prison so that others could live freely in a democratic society were, as it turned out, mere rhetoric. Instead of risking prison, he had successfully escaped to a country in which he would be treated as a hero for defying the US government. He had not sacrificed himself, he had transformed himself. He had risen from being a lowly technician in Hawaii whose talents went largely unrecognized, to the status of an international media star in Moscow. In his new messianic role, he could make Internet appearances via Skype to prestigious gathering such as the TED conference where he would be roundly applauded as an Internet hero. He could be beamed into dozens of ACLU meetings where he would be celebrated as a defender of American liberty. He could describe to sympathetic audiences in Germany, Norway and France the unfairness of the American legal system, asserting that it was denting him a "far trial." He could now make front page news by granting interview to the *New York Times, Washington Post, Nation* and other elite newspapers. He could join Poitras and Greenwald on the Board of Directors of the Freedom of the Press Foundation. He could be the subject of both an Oscar-winning documentary, the hero of the 2016 Hollywood movie "Snowden." directed by Oliver Stone and a consultant to the 2015 season of the television series "Homeland." He could also be nominated for the Nobel Peace Prize in 2014. His could also attract over one-half million followers to his tweets on Twitter in 2015. "For me, in terms of personal satisfaction, the mission's already accomplished. I already won," he informed the *Washington Post* in his first live interview in Moscow. It was a mission that involved a very high stakes enterprise: taking America's state secrets abroad.

How he managed to succeed in this extraordinary undertaking is another story and one which may not lend itself to an innocent explanation. Whistle-blowers do not ordinarily steal military secrets. Nor do they flee to the territory of America's principle adversaries. A fugitive, especially one lacking a Russian visa, does not wind up in Moscow by pure accident. A Russian President, especially one with the KGB background of Putin, does not lightly give his personal sanction to a high-profile exfiltration from Hong Kong without weighing the gain that might proceed from it. Part of that calculus would be that the defector had taken possession of a great number of classified documents from the inner sanctum of the NSA. To be sure, the practical value of this stolen archive would require a lengthily evaluation by its intelligence services. Finally, a defector who put himself in the palm of the hand of the FSB in Moscow would be expected to cooperate with it. Even if such a defector did not carry these files with him to Moscow, intelligence services have the means to recover digital files, even if after they are erased from a computer or if they are

sent to the cloud. Once secret documents are taken, they are compromised. How Snowden succeeded in this coup cannot simply be pieced together from his statements and interviews. The story also requires a visit to the wilderness of mirrors called counterintelligence.

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PART THREE

THE COUNTERINTELLIGENCE CONUNDRUM

"Scenarios deal with two worlds: the world of facts and the world of perceptions. They explore for facts but they aim at perceptions inside the heads of decision makers. Their purpose is to gather and transform information of strategic significance into fresh perceptions"

—Pierre Wack, Harvard Business Review, 1985

CHAPTER FIFTEEN

Did Snowden Act Alone?

"When you look at the totality of Snowden's actions certainly one hypothesis that jumps out at you, that seems to explain his ability to do all these things, is that he had help and had help from somebody who was very competent in these matters."

--General Michael Hayden, Former Director of the NSA and CIA

Snowden describes himself a whistle-blower, and, according to the polls, the vast majority of the American public, accept this definition of him. But the operational distinction between a whistle-blower and a spy is not always clear. A whistle-blower enters the enterprise of stealing state secrets for reasons of conscience, but so do many spies. Such conscience-driven spies are called, in CIA parlance, "ideological agents." For instance, the British diplomat Donald Maclean, who was one of the most important Russian spies in the Cold War, was an ideological recruit. Maclean stole immensely valuable US nuclear secrets for the Russian intelligence service without receiving any monetary compensation and later defected to Moscow to avoid arrest.

As it turns out, the acceptance of money is also necessarily a meaningful distinction when it comes to espionage. To be sure, many spies get paid, but some whistle-blowers also receive paid a rich bounty for their work. Indeed, under federal laws, whistle-blowers can qualify for multi-million dollars bounties for exposing financial malfeasance. The whistle blower Bradley Birkenfeld, for example, after he himself was paroled from prison in 2012, received an award of $104 million for providing data that exposed illicit tax sheltering at the Swiss UBS bank. Assange also offered political whistle-blower six-figure cash bounties from money he raises on the Internet. In 2015, for instance Wikileaks offered S100, 000 bounties to any whistle-blowers who provided the site with secret documents exposing details of the Pacific Trade Agreement.

Nor is acting alone necessarily a line that divides whistle blowers from spies. In many cases, whistle-blowers have accomplices that help them carry out their mission. For example, in 1969, the celebrated whistle-blower Daniel Ellsberg, a military analyst at the RAND Corporation, had an accomplice, Anthony Russo, who also had worked at RAND. (Both were indicted by the government.) Acting in concert, they copied secret documents that became famously known as the Pentagon Papers.

Whistle-blowers also can, like conventional spies, enter into elaborate conspiracies to carry out a penetration operation, For example, on the night of March 8, 1971, eight whistle-blowers working together with burglary tools, broke into the FBI office in Media, Pennsylvania, and stole

almost all the FBI files there. The conspirators escaped and kept their identities secret for over 42 years.

Self-definitions also do necessarily produce a distinction between whistle-blowers and conventional spies. Consider, for example Philip Agee. Agee left the CIA in 1969 for what he described "reasons of conscience." Specifically, he said he objected to the CIA's covert support of Latin America dictators. After contacting the Soviet Embassy in Mexico City, he defected to Cuba, where he leaked information that exposed CIA operations. Although Agee insisted he was a whistle-blower, and he adamantly denied offering any secrets to the Soviet Union, the KGB viewed him as a conventional spy. According to Oleg Kalugin, the top Soviet counterintelligence officer in the KGB in Moscow, who defected to the U.S., Agee offered CIA secrets first to the KGB residency in Mexico City in 1973 and then to Cuban intelligence service. Agee provided the KGB with a "treasure trove" of US secrets, Kalugin revealed. "I then sat in my office in Moscow reading the growing list of revelations coming from Agee." Despite this disparity, Agee still defined himself to the public as a whistle-blower because he also had exposed CIA operations to the public.

The Snowden case blurs the demarcation line even further. Unlike other whistle-blowers who uncovered what they considered government malfeasance by virtue of their job, Snowden, by his own admission, took a new job in 2013 specifically to get access to the SCI files concerning NSA sources that he stole from the Threat Operations Center. Switching jobs in order to widen one's access to state secrets us an activity usually associated with penetration agents, not whistle-blowers. While the technical distinction between a whistle-blower and a spy may still serve the media in the case of Snowden, it does not help in solving the counterintelligence conundrum.

Untangling the strands of the Snowden conundrum is no easy matter. A complex burglary of state secrets had been successfully carried in a supposedly-secure site. The only known witness, Snowden, had escaped to Russia, where he could be of help in reconstructing the crime. The stolen data was kept in the equivalent of sealed "vaults"—which were actually computer drives that were not connected to the NSA Network ever there was a locked room mystery, this was it.

The perpetrator Snowden pierced these barriers by using passwords that belonged to other people and using credentials that allowed him to masquerade as a system administrator. However it was carried out, it was feat required meticulous planning. As in the earlier example of a hypothetical diamond theft from locked vaults, what is needed is to explain how a perpetrator, who did not himself have the combinations to open them or the means to remove their content, succeeded in the theft.

To address such a mystery, a counterintelligence investigation starts with a tabula rasa, stripping away all the previous assumptions, including that Snowden was the lone perpetrator. Once back at square one, it builds alternative scenarios to test against the known facts. To be

sure, scenario-building differs from that of a conventional forensic investigation aimed at finding pieces of evidence that can be used to persuade a jury in a courtroom. Unlike a judicial investigation concerned with guilt and innocence, scenario-building looks building looks to develop a story that is, concurrently: intrinsically consistent, humanly plausible and symbolically memorable; and in the process, it also identifies and explores the possible holes in the case. Such scenarios must aim at constituting a limited set of alternatives that are mutually exclusive The point is to assure that any alternative that fits the relevant facts, no matter how implausible it initially may seem to be, is not neglected.

One of the most vexing problems that had to be explained by these scenarios is how Snowden got the passwords to up to 24 of these vaults. He could not have obtained these passwords during his previous employment at Dell because Dell technicians did not have access to the Level 3 documents stored in these compartments. Nor, as was discussed earlier, was he given access to them when he transferred to Booz Allen because he had not completed the requisite training.

Snowden had also, it will be recalled, relinquished his privileges as a system administrator when he transferred to Booz Allen, so he did not have the privilege to override password protection. In short, his new position as an infrastructure analyst did not give him the ability to enter compartments which he had not yet been read into.

There are two possible ways he could have gotten these passwords: Either he had assistance from a party who had access to them or he found flaws in the NSA's security procedures that left the supposedly-closed vaults effectively unlocked.

The Unwitting Accomplice Possibility

As for the first alternative, it is possible whatever assistance that Snowden received was entirely unwitting. For example, he could have simply asked other analysts at the Center who had been "read into" compartments for their passwords. But such an approach would be extremely risky for him. If an analyst gave him his password, and it was discovered, that analyst could lose his job. Moreover, any analyst was supposed to report any request for a password to a security officer. Nor was Snowden, who had been working at the Threat Operations Center for just a few weeks as a trainee, well known to other analysts. So asking them to break the rules was fairly risky for Snowden. "It is inconceivable to me that his co-workers would divulge their passwords to him," a former Booz Allen executive, who had also worked at the Defense Intelligence Agency, told me. "If he was a system administrator he might trick a threat analyst into entering his password into his computer under the pretext that he needed it to deal with an urgent hardware issue." But Snowden was not a system administrator at the Center. Snowden therefore "had no plausible reason for requesting passwords to compartment he had not been read into," the former executive said. I asked him what the chance was of him obtaining some 24 passwords in 5 weeks. "In my opinion, near zero," he said. I next asked him whether it was possible that Snowden could have used a device for intercepting another computer's electronic signals, called by hackers a "key logger." Such a device, which was obtainable over the Internet, could be used to steal passwords of the analysts who had been "read into" the compartments. My source said that while it was

possible that Snowden smuggled in a key logger in his backpack, it could not be operated wirelessly inside the Center because, like all other NSA facilities, the computers had been insulated to lock-out wireless transmission. This precaution was taken to guard against an EMP, or Electro-Magnetic Pulse, attack by an enemy. If so, the only way Snowden could intercept key strokes was to attach a cable from his key logger to each of his fellow workers' computers. In this scenario, he would have to surreptitiously build his own wired network connecting his hidden key logger to 24 separated computers. Moreover, he would have to do this wiring in an open-plan office where he could not count on these additional wires, even if rigged one by one, not being noticed by either other analysts on the room or the geek squad of system administrators who regularly checked connections. Making the task even more risky, according to my Booz Allen source, there were closed-circuit cameras. The only way he could mitigate the risk of detection was by having someone help him build this network.

There was a further security barrier he had to get by. Even after he managed to obtain all the necessary passwords from colleagues, he had to transfer the files to an external storage device. This was not a matter of simply using a thumb drive because, unlike in caper movies such as *Mission Impossible*, the ports on the computers at the NSA were ordinarily sealed shut. This measure was done specifically to prevent any unauthorized downloading by NSA workers. The only people at the Center who had the authorization, and the means, to open these ports and transfer data were system administrators, according to the former Booz Allen executive. System administrators needed to have this privilege to deal with glitches in the computers. So they were allowed to open up the sealed ports. But Snowden was no longer a system administrator and did not have these privileges. So again, he needed some help. He either would need to borrow another system administrator's credential or forge his own. The credential he would need is called a public key infrastructure card with its authentication code embedded in a magnetic stripe. When I asked the former Booz Allen executive if Snowden possessed the skill set to forge such a card, he said that he strongly doubted any NSA employee would be capable of such a forgery without special equipment. He could have, however, borrowed this credential from a system administrator who was willing to help him. But just asking such a favor could "set off alarms."

The unwitting accomplice scenario had another stumbling block: time. We know from Poitras that Snowden told her in early April 2013 that he planned to deliver documents to her in six to eight weeks (which he in fact did.) But he had not yet started working for Booz Allen at the Center until that same month. It does not seem plausible (to me) that in making such a commitment he was merely counting on the kindness of strangers to fulfill it The only way he could have known for certain that he would be able to borrow a public key infrastructure card and obtain the passwords, whether by trickery or by a key router, before he had begun working at the Center was that he already knew someone at the Center who would help him. But such a contact leads to a witting accomplice scenario.

The Witting Accomplice Possibility

The witting-accomplice scenario better fits with the principle in logic called Occam's razor that suggests that in choosing between alternative explanations, the one that requires the fewest assumptions should be given priority. It would be a relatively easy to gain access to passwords if Snowden had the cooperation of an insider at the center that had been read into the compartments or, even better, if he had the cooperation with a system administrator with the necessary PKI cards and shell keys to bypass the password protection. Such an accomplice could also help explain how Snowden was able to get the job at the Center in the first place; how he knew in advance that he could find there the "lists" of the NSA sources in foreign countries, and how he knew that there were no security traps at the center. Such a witting accomplice might even have prepared in advance the "spiders" that Snowden used to index the files.

The witting-accomplice scenario of course requires a somewhat unsettling expansion of the plot. It means Snowden collaborated with one or more insiders at the Center to steal secret documents. It is not difficult to imagine, in light of the lax background checks at outside contractors servicing the NSA, that there were others in the "geek squad" that shared Snowden's antipathy to NSA surveillance. Certainly, we know that Snowden found other NSA workers who were willing to attend his anti-surveillance Crypto party in December 2012. Anyone of these other potential dissidents could have shared Snowden's objective of exposing NSA abuses. It would only be a small next step to offer Snowden help if he was willing to go public. Indeed, if the geek culture produced one Snowden, why wouldn't it produce others? If such an accomplice lacked Snowden's willingness to flee to another country, he may have limited his participation to supplying technical assistance. For his part, Snowden may have agreed to divert suspicion from his accomplice by taking sole responsibility for the crime when he went public.

The problem with this scenario, however, is that no witting accomplices were ever found. The FBI, which was in charge of the domestic part of investigation of the Snowden case, questioned all of Snowden's co-workers at the Center over the course of six months but it failed to find anyone who knowingly helped Snowden. If the accomplice was an idealistic amateur, it is likely the FBI would have found him. Three co-workers did admit to the FBI that they might have inadvertently given Snowden their passwords but these three slips would not account for Snowden's breach of all the other compartments. Of course, there may have also been less forthcoming co-workers hid their slips in divulging their passwords to Snowden.

This raises the more sinister possibility that the accomplice was not an amateur co-worker but a deep-cover spy who was already in place when Snowden arrived on the scene. Such a penetration agent could have been recruited by an adversary intelligence service before Snowden came on the scene. After Snowden expressed a desire to expose the NSA's domestic surveillance, it could then have used Snowden as an "umbrella" to hide its own activities. Finding such a means to protect a source while exploiting his or her information is not uncommon in espionage operations, and since Snowden was willing to flee America and go public, he could serve as a near perfect umbrella. "Snowden may have carried out of the NSA many more

documents than he knew about," a former CIA station chief speculated. It could also account for the disparity between the claims of Snowden and the NSA damage assessment as to the number of the documents that were compromised.

As farfetched as this mole scenario may seem to the outside world, less than three years before the Snowden breach, the NSA had received a warning from a CIA mole, which will be discussed in greater detail in Chapter 21, that the Russian Intelligence service might have recruited a KGB mole at the Fort Meade headquarters of the NSA. No mole was found in 2010, and, if one existed, it could not have been Snowden, who at that time in 2010 was working for the NSA in Japan. Such a putative mole conceivably could have acquired enough information to later facilitate Snowden's operation.

In this scenario, Snowden would not be difficult to spot as a potential collaborator and possible umbrella. As Snowden acknowledges, he was not a happy worker at the NSA. He complained between 2010 and 2013 about what he considered NSA abuses to coworkers, superiors and in his posts over the Internet. If someone assumed the guise of a reluctant whistle-blower, he would have little difficulty in approaching Snowden. Snowden might not even know his true affiliation beyond that he shared Snowden's anti-surveillance views. If Snowden then voiced an interest in exposing the NSA's secrets, this person could supply him with the necessary guidance, steering a still unsuspecting Snowden first to the Booz Allen position and afterwards to his associates in Hong Kong. By taking sole credit for the coup in the video that he made with Poitras and Greenwald in Hong Kong, he acted, as he told Greenwald, to divert suspicion from anyone else. This move could also any collaborator he may have had in Hawaii time to cover his tracks.

The astronomer Carl Sagan famously said in regard to searching the universe for signals from other civilizations that the "absence of evidence is not evidence of absence." That injunction also applies to the spooky universe of espionage. The fact that a mole hunt fails to find a hidden collaborator at the NSA does not necessarily mean such a mole does not exist. Historically, we have many notable cases in which Russian moles eluded intensive investigations for many decades. Robert Hanssen served as a KGB penetration in the FBI for over 20 years without being caught. Similarly, Aldrich Ames, acted as a KGB mole in the CIA for more than ten years, and passed all the CIA's sophisticated lie detector tests. Both Hanssen and Ames eluded intensive FBI and CIA investigations that lasted over a decade. According to Victor Cherkashin, their KGB case officer, who I interviewed in Moscow in 2015, the KGB was able to hide their existence from investigators for such a long period partly because of the widespread belief in U.S. intelligence that moles were fictional creatures that sprung from the "paranoid mind" of James Jesus Angleton. When I then cited the signature line from the movie *The Usual Suspects* "The greatest trick the Devil ever pulled was convincing the world he didn't exist." Cherkashin thinly smiled and said "CIA denial [of moles] certainly helped."

In view of such past successes of the Russian intelligence services, it cannot be precluded that there was another person in the NSA working with Snowden who used an enthusiastic as cover to prevent any light from falling on his own surreptitious spying. While it may seem extremely unlikely that Snowden had such assistance, the alternative scenario, that Snowden broke into the sealed compartments and made off with the documents without any assistance, seems equally unlikely.

Even if Snowden had been, as he claims, a pure idealist seeking to right a perceived wrong, it does exclude the possibility of his becoming entangled in the plots of others. Intelligence services make it their business to bring about such witting or unwitting entanglements.

CHAPTER SIXTEEN

The Question of When?

"The NSA was actually concerned back in the time of the crypto-wars with improving American security. Nowadays, we see that their priority is weakening our security"

—Snowden in Moscow

In his 1974 novel *Tinker Tailor Soldier Spy*, John LeCarre helped establish the concept in the public imagination of a mole burrowing unto a rival intelligence service. LeCarre's now classic mole, code-named by the KGB "Gerald," managed in the novel to gain access to the inner sanctum of the British intelligence service MI-6. Aided and guided by his controllers in Moscow, he systematically stole British intelligence secrets. As LeCarre wove the plot, the brilliantly-orchestrated operation involved spotting, compromising, and recruiting others to gradually advance Gerald the mole to a position of power. Such well-organized penetrations are not limited to fiction. The career of KGB mole Heinz Felfe, who was advanced through the ranks of German intelligence by an elaborate series of sacrifices by his controllers in Moscow until he actually headed German counterintelligence in 1961, could have served as the non-fiction inspiration for Le Carre's 1963 novel *The Spy Who Came out of the Cold*. As US intelligence only found out after the Cold War ended, the KGB also had the ability to sustain moles for decades.

The CIA also had its share of long term successes, such as Alexander Poteyev, who fed the CIA secrets for over ten years while burrowing into Russian intelligence. In the choreography of these operations, as in Le Carre's fiction, rival intelligence services ensnared and sacrificed recruits , as if playing a chess game, to advance their moles. Despite notable successes such as Felfe, and Poteyev, a great number of these elaborate conspiracies fail insinuate moles in their adversaries' confidence. Intelligence services therefore also take advantage of a more prosaic source: the self-generated spy, or, as they are called in the trade, walk-in.

Although they are largely unsung in novels, these walk-ins are an important part of espionage. A counterespionage review done for the Presidential Foreign Intelligence Advisory Board (PFIEB) in 1990 found that most US spies in the Cold War had taken documents on their own volition and only afterwards offered them to an adversary service. Self-generated spies have diverse motives. Some intelligence workers steal secrets for financial gains. Others take them to further an ideological interest. As opportunistic enterprises, intelligence services do not turn walk-ins away if they have valuable intelligence. Indeed, some of the most successful moles were not recruited, or even controlled, by spy agencies. They were self-generated penetrations, or "sources" as the KGB preferred to call them, who first stole secrets and later voluntarily deliver them to an adversary. Consider the case of Robert Hanssen, who successfully penetrated the FBI

for the Russian intelligence services from 1979 to 2001. He was a "walk-in," who never entered the Soviet embassy or met with KGB or SVR case officers. Instead, he set his espionage in motion by passing an anonymous letter to Victor Cherkashin, the KGB spy handler working undercover at the Soviet Embassy in Washington D.C. From the start of his work for the KGB, Hanssen laid down his own rules. The KGB would deliver cash from which all the fingerprints were removed to locations, or "dead drops," he specified. He would deliver documents exposing FBI, CIA and NSA sources and methods in another dead drop. The KGB would precisely follow his instructions. Cherkashin told me that Hanssen's "astounding self-recruitment" was executed in such a way that the KGB never actually controlled him. "He was our most important mole and we didn't ever know his identity, where he worked or how he had access to FBI, CIA and NSA files." Even so, the KGB (and later SVR) paid him $600,000 in cash. In return, the anonymous spy delivered 27 computer discs containing hundreds of secret documents revealing the sources and methods of American intelligence. According to Cherkashin, it was the largest haul of top secrets documents ever obtained by the KGB (although it was only a small fraction of the number of top secret NSA, Department of Defense and CIA documents taken by Snowden in 2013.) Cherkashin told me the price paid by Moscow was a great bargain since it helped compromise "the NSA's most advanced electronic interception technology," including a tunnel under the Soviet Embassy. Yet, it was only after newspapers reported that Hanssen had been arrested by the FBI in February 2001 that Cherkashin learned the name and position of the spy that he had recruited. Cherkashin told me that what matters to the KGB was not "control" of an agent but the value of the secrets he or she delivered. "Control is not necessary in espionage as long as we manage to obtain the documents." So in the eyes of the KGB, anyone who elects to provide it with US secrets is a spy.

It is also possible to exploit a walk-in even after he has left his service. For example, KGB Major Anatoli Golitsyn was an ideological self-generated spy who walked into the US embassy in Helsinki, Finland on Christmas Day 1962. He asked to see the CIA officer on duty announce to him he had collected a trove of KGB secrets, including information that could identify its key spies in the West. He offered to defect to the U.S. The CIA accepted his offer, and through this archive of secrets he had previously compiled, he became one of the CIA's most productive sources in the Cold War.

The job of an intelligence service is to take advantage of whatever opportunities comes its way in the form of self-generated spies. If a Russian walk-in had not yet burned his bridges to his own service, US intelligence officers were under instructions to attempt to persuade the walk-in to return to his post in Russia and serve as a "defector-in-place," or mole. "While defectors can and do provide critical information, a CIA memorandum on walk-ins during the Cold War noted, "There are very few cases in which the same individual may not have been of greater value if he had returned to his post." Of course if a walk-in believed he was already compromises, as Golitsyn did, a decision would have to be made whether the value of his intelligence merited exfiltrating him to the United States.

This required evaluating the bona fides of the walk-in. Not all walk-ins are accepted as defectors. Some walk-ins are deemed "dangles," or agents dispatched by the KGB to test and

confuse the CIA. Others are rejected as political liabilities, as happened to Wang Lijun, a well-connected police chief in China. In February 2012, Wang, walked into at the US consulate in Chengdu asking from asylum. The State Department decided against it. After Wang left US protection, he was arrested for corruption and received a 15 year prison sentence. Such decisions about walk-ins are not made with due consideration, often at the highest level of a government, since exfiltrating a defector can result in diplomatic ruptures and political embarrassments.

Conversely, it raises espionage concerns when an adversary government authorizes the exfiltration of a rogue employee of an intelligence service. At minimum, it means that a rival government placed value on what the defector could provide it. The Snowden case is no exception. Whatever Snowden's prior relations may have been with Russia, it could prudently assumed that after he fled to Moscow, in light of the intelligence value of the stolen documents, he would wind up in the hands of the Russian security services. That assumption was reinforced by subsequent countermeasures that were implemented by Russia to block secret sources of NSA surveillance. "Within weeks of the [Snowden] leaks, communications sources dried up, tactics were changed," Michael Morell who was at that time the Deputy Director of the CIA, revealed. It indicated that at least part of the US communications intelligence that Snowden had stole was in enemy hands. The CIA and NSA's monitoring of these countermeasures was itself extremely delicate since revealing what they learned about Russian and Chinese countermeasures risked compromising even more U.S communications sources than had Snowden. General Keith B. Alexander headed both the NSA and Cyber Command at the time these countermeasures were first detected in 2013. He said in his interview with the *Australian Business Review*: "We absolutely need to know what Russia's involvement is with Snowden." He further said, "I think Snowden is now being manipulated by Russian intelligence. I just don't know when that exactly started." Much turned on the answer to this "when" question. The counterintelligence issue was not if this U.S. intelligence defector in Moscow was under Russian control, but when he came under it.

There were three possible time periods when Snowden might have been brought under control by the Russian intelligence service: while he was still working for the NSA; after he arrived in Hong Kong on May 20, 2013; or after he arrived in Russia on June 23, 2013.

The NSA Scenario

The first scenario could stretch as far back as when Snowden was forced out of the CIA in 2009. It will be recalled that the CIA then had planned to launch a security investigation of Snowden but it was aborted when he resigned. He also had incurred large losses speculating in the financial markets in Geneva, which is an activity which had in the past attracted in interest of foreign intelligence services. So it had to be considered in this scenario that Snowden had been recruited by the Russians after he left the CIA and directed to take jobs at civilian contractors servicing the NSA. Such "career management," as it is called by the CIA, could explain why Snowden had switched jobs in March 2013 to Booz Allen Hamilton, which, unlike his previous employer Dell, allowed him to gain proximity the super-secrets list of the telecommunication systems that the NSA had penetrated in Russia and China. Even though Snowden himself did not

have password access to these files, since he was still as a trainee, he managed to acquire the necessary passwords from others working there. It could also account for why the documents he copied that pertained to NSA operations in Russia were not among those he gave to Poitras, Greenwald and other journalists. Since Russia has an active intelligence sharing treaty with China since 1996, it could further explain why his first stop was Hong Kong, a part of China. It was a safe venue for debriefing Snowden, as well as establishing his credentials among journalists as a whistle-blower, before a decision was made to allow him to proceed to Russia.

The nearly fatal problem with this early-recruitment scenario is Snowden contacts with journalists. Snowden, it will be recalled, had contacted Greenwald in December 2012. Greenwald was a high-profile blogger in Brazil who did not use encryption or any security safeguards. Next, he contacted Poitras in January 2013 in Berlin who was a magnet for NSA dissidents. Both of these contacts put Snowden's clandestine downloading at grave risk. As known opponents of US intelligence agencies, these journalists might be, as they themselves suspected they were, under surveillance by American, British, Brazilian or German intelligence services. Greenwald and Poitras might also tell others who were either under surveillance or informers. So no matter what precaution Snowden took, his secret enterprise, or just the fact he was in contact with anti-government activists might be detected. At minimum, he could lose his access to secrets and be of no further use as a source at the NSA. He could also be interrogated and reveal the way he was brought under control. If Snowden actually had been under the control of the Russian intelligence service, the last thing it would allow was for him to take such a risk—or even to contact a single journalist. After all, the purpose of an espionage operation is to steal secrets without alerting anyone, including journalists, to the theft. A former CIA officer told me that while anything could "go haywire: in an intelligence operation, it would be "unthinkable" that the Russian intelligence service would permit a source it controlled in the NSA to expose himself by contacting journalists. It was, as he put it, a "lose-lose move." Assuming that the operation did not "go haywire," Snowden's continued interactions with Poitras and Greenwald made it implausible to me that Snowden was under Russian control *before* he went to Hong Kong.

The Hong Kong Scenario

The second possibility is that Snowden was brought under Russian control while he was in Hong Kong. The most compelling support for this scenario comes from Putin himself, His disclosure about the case leaves little doubt that Russian officials engaged Snowden in Hong Kong, that Putin authorized his trip to Moscow while he was in Hong Kong and the Russian government allowed him to fly to Moscow without a Russian visa. We also know that Snowden indicated to Gellman he was in touch with a foreign embassy and that he met with Russian diplomats in Hong Kong. We know from US surveillance of his activities in Hong Kong that he contacted the Russian consulate. And we know that the Russians went to some lengths to facilitate his trip to Moscow. All these pieces in the Hong Kong scenario support the possibility

that the Russian intelligence service managed to bring him under its sway during his 33 days in Hong Kong.

The Russian intelligence service even might have been aware of Snowden, and his anti-NSA activities, before his arrival on May 20, 2013. Snowden, as discussed earlier, was anything but discrete in his contacts with strangers in the anti-surveillance movement, including such well known activists as Runa Sandvik (who he supplied his true name and address via email), Micah Lee, Jacob Appelbaum, Parker Higgins, and Laura Poitras. "It is not statistically improbable that members of this circle were being watched by a hostile service," a former NSA counterintelligence officer told me in 2015. When I told him that Poitras and others in her circle had used PGP encryption, aliases and TOR software in their exchanges with Snowden, he said, arching his eyebrows, "That might work against amateurs, but it wouldn't stop the Russians if they thought they might have a defector in the NSA." He explained that both the NSA and hostile services have the "means" to bypass such safeguards.

I next asked him what the Russian intelligence service would have done if they had indeed spotted Snowden in late 2012 or early 2013. "Maybe just research him," he replied. As we know now, he pointed out. Russia and China probably had access the 127-page standard form in his personnel file that he updated in 2011. They also had the capability to track his air travel to Hong Kong. "Could someone have steered him to Hong Kong?" I asked. He answered. With a shrug, "That depends on whether Snowden had a confidante who could have influenced him."

Whenever adversaries became aware of Snowden in this scenario, it was not until after Snowden copied the NSA secrets and took them with him to Hong Kong that Russian intelligence officers offered him a deal. So from the Russian point of view, Snowden had already burnt his bridges. Since he had used other people's passwords to get into computers that he was not authorized to use, illegally moved documents and gave a false reason for his medical leave, it was only a matter of time before NSA investigators would identify him as a possible spy. He could be of no further use to an adversary at the NSA. His intelligence value now lay in the documents he had taken with him or stored in the cloud as well as his ability to help clarify them in debriefing sessions. In addition, he could have a further use to an adversary, especially if he agreed to cooperate. By virtue of his position as a former insider, he could inflict damage on the morale and public standing of the NSA by denouncing its spying in the media. So once in Hong Kong, the Russians would have no reason to restrain him from holding a press event or releasing a video, In fact, in the past the KGB had organized press conferences for all the previous NSA defectors to Moscow. Hong Kong also might be seen as a perfect venue for a well-staged media event since all the major newspapers in the world had bureaus there. And his disclosures about the NSA spying coming under the mantle of whistle-blowing could serve to weaken the NSA's relations with its allies. The event would also serve to deflect suspicion from any other potential spies in the NSA, if any existed. Snowden's going public on June 9th 2013 provided that opportunity.

It is also possible in this Hong Kong scenario that Russian or Chinese intelligence did not become aware of Snowden until after he went public on June 9th 2013 by having the *Guardian* release his video. At that point, if the Russians or Chinese had any doubts how dissatisfied he was with the NSA, they would be dispelled by the video. Since dissatisfaction is one of the classic means of recruitment in the intelligence business, he certainly would become a prime target for recruitment after he went public. The CIA also considered the possibility that Snowden also may have been reeled in unwittingly. Its Deputy Director, Michael Morell suggested in his book that Snowden may not himself have fully realized "when and how he would be used."

What can be safely assumed is that the decision made by Putin's intelligence service to allow Snowden to proceed to Russia proceeded from something other than soft-hearted sentiment about his welfare. In addition, this decision was not made on the spur of the moment. After Putin learned that there was an American in Hong Kong from the "special services" seeking to come to Russia, he also learned from Snowden's own disclosure on the video that he had taken to Hong Kong a large number of NSA documents. After that self-outing by Snowden, Putin had at least 14 days to calculate the advantages and disadvantages of allowing him to come to Moscow. To be sure, we don't know the precise date of Snowden's first contact with Russian officials in Hong Kong. Putin reframed from specifying when Snowden first met them. But whenever it was, we know that he was deemed important enough by the Russian intelligence service for it to bring him to the personal attention of Putin.

Putin could offer him not only his freedom from arrest but a platform to express his views. The exploitation of an intelligence defector, even after he yields his secrets documents, can also be part of an intelligence operation. General Alexander, who ran the NSA during this period, concluded that Putin was playing a deep game with Snowden by "looking to capitalize on the fact that his [Snowden's] actions are enormously disruptive and damaging to US interests." This game, if Alexander's assessment in correct, might provide Putin with ample reason to have his representatives in Hong Kong offer Snowden an exfiltration deal.

Snowden hardly was not in any position to refuse such a deal. After the release of the video release, there was no going back to America without his facing a determined criminal prosecution. If he had researched the issue, he would have known that in every prior case, intelligence workers who had released even a single classified document had gone to prison. As his Internet postings show, he had closely followed the ordeal of Bradley Manning, whose trial was coming to its conclusion while Snowden was in Hong Kong. So he likely knew that even though the documents Manning had sent to Wikileaks were far less damaging than those Snowden had taken. Manning had been kept in solitary confinement under horrific conditions for over a year while awaiting his trial and was facing a long prison sentence. (Manning was subsequently sentenced to 35 years in prison.) There was no reason for Snowden to expect a better outcome for himself if he returned to the US or was arrested in Hong Kong or any other place that had an extradition

treaty with the US. As the Russian officials in Hong Kong might well have informed him, Russia had no extradition treaty with the US, It was also one of the few places in the world that he could reach from Hong Kong without flying through airspace in which he might be intercepted by a US ally. Moreover, Putin himself had approved his exfiltration, which meant that, even without a valid passport or visa, Snowden could take the direct Aeroflot flight to Moscow. Snowden's choice was going to Russia or going to prison.

The Russians could have used this leverage in the Hong Kong scenario to extract a *quid pro quo.* The price of admission in that *quid pro quo* was proving all his documents and putting himself in the hands of Russian intelligence. To be sure, Snowden might have refused this leverage in Hong Kong, and Putin may have decided the terms of the deal could better be negotiated in Moscow.

The Moscow Scenario

The final possibility is that Snowden did not come under Russian control until after he arrived in Moscow. Certainly, the Russian intelligence service could afford to wait in Hong Kong before tightening the vice on Snowden. It knew that Interpol and the US would be pursuing him throughout the world and that Snowden had no valid travel documents to go anywhere else. It could also have determined that his credit cards had been frozen. So it could afford to wait until his plane landed in Russia.

After the Russians took him in a "special operation" from the plane at the airport, he was informed by Russian authorities that he would not be allowed to go to Cuba, Venezuela, Iceland, Ecuador, or any other country without the permission of Russian officials, which would not be immediately forthcoming. So he never even showed up for the flight to Cuba (which Assange had "leaked" to the media he would be aboard.) He was now at the mercy of the Russian authorities. There was good reason for keeping him in a virtual prison in Russia. "He can compromise thousands of intelligence and military officials," Sergei Alexandrovich Markov, the co-Chairman of the National Strategic Council of Russia and an adviser to Putin, pointed out, "We can't send him back just because America demands it."

So Snowden was consigned to the transit zone of the airport, which is a twilight zone neither inside nor outside of Russia, a netherworld that extends beyond the confines of the airport to include safe houses and other facilities maintained by the FSB for the purposes of interrogation and security. Stranded at the Moscow airport, Snowden had no place to go except into the waiting arms of the FSB. No matter what he had believed earlier in Hong Kong, he would quickly realize that he had only one viable option: seeking sanctuary in Russia.

Even though the FSB is known by US intelligence to run a strict regime over present and former members of foreign intelligence services, Snowden may not have realized the full extent of the FSB's interest in him. He naively told the *Washington Post* in December 2013 in Moscow, "I

am still working for the NSA right now. They are the only ones who don't realize it." While he might have sincerely persuaded himself that he was somehow helping US communications intelligence in a self-appointed role, those familiar with the activities of the Russian security services find it inconceivable that he could escape their control in Russia. At the very minimum, a former US intelligence worker who stole American state secrets, such as Snowden, would be under the FSB's scrutiny. Andrei Soldatov, the co-author of the 2010 book The *New Nobility: the Restoration of Russia's Security State and the Enduring Legacy of the KGB*, and who was personal knowledgeable about FSB procedures, explained the FSB would monitor "every facet of Snowden's communications, and his life." General Oleg Kalugin, who, as previously mentioned, defected from the KGB to the United States in 1995, added that the FSB following the standard operating procedures of the KGB, would be "his hosts and they are taking care of him." Kalugin further said in 2014 that "Whatever he had access to in his former days at NSA, I believe he shared all of it with the Russians, and they are very grateful"

American intelligence officers knowledgeable about the operations of the FSB, agreed with Kalugin's assessment. General Hayden, for example, who served both as director of the NSA, CIA, and Air Force counterintelligence, told me in an interview that he saw no other possibility than Snowden would be induced to cooperate in this situation, saying "I would lose all respect for the Russian and Chinese security services if they haven't fully exploited everything Snowden had to give." They certainly had that opportunity at Sheremetyevo International Airport: He had already, at least in the eyes of the Department of Justice, betrayed US secrets by stealing them and taking them abroad. Snowden was held in limbo in the transit zone. The FSB controlled his access to food, lodgings, the Internet, and whatever else he needed to survive there. It could also return him to the US if he did not cooperate. What recourse did Snowden have? The only party from whom he could seek redress was Putin's regime. Russia's leverage now would be even greater than in Hong Kong. If Putin chose to fully apply it, would be all but irresistible over a fugitive who had literally no place else to go. In a word, the FSB held all the cards but one—Snowden's help with the stolen documents. Even if Snowden disliked the tactics of the Russian security services, his situation left him a powerful inducement now not to decline the requests of the Russian authorities.

Two weeks after his arrival, the Russian authorities provided him with a convenient path to full cooperation with Russia. He was put in contact with Anatoly Grigorievich Kucherena, a silver-haired 53-year old lawyer, who was known as a personal friend of Putin. Kucherena also did task for Putin's party in the Russian parliament or Duma. Most important for Snowden, Kucherena had excellent connections in the Russian security apparatus since he served on the oversight committee of the FSB. He also offered to serve as the lawyer for Snowden pro bono. On July 10, 2013, Snowden officially retained him as his legal representative in Moscow. From that point on, he would act as Snowden's go-between with the FSB and other Russian agencies.

At the outset, Kucherena made it clear to Snowden that he would have to play by Moscow's rules before the Kremlin would grant him permission to stay in Russia. To begin with, Snowden had to withdraw any and application he had made elsewhere for asylum. He had to put his fate

entirely in the hands of Putin's Russia. He would also have to be fully candid with the Russian authorities about what was of great value to Putin: the secret documents he had acquired.

Two days later, Snowden made his first public appearance in Russia. It had been, like previous press conferences with US defectors to Russia, carefully managed, First, Snowden arrived by limousine at the international transit lounge of Sheremetyevo airport. He was seated at a table with Harrison. As Snowden spoke no Russian, a Russian translator was provided. The small audience included hand-picked Russian officials, including some Putin's close associates. They were ushered through passport control by security men to the otherwise cordoned-off lounge. The cameras for RT television and other Russian channels were already in place. When everyone had taken their seats, Snowden announced in a quiet voice that was seeking asylum in Russia. Ten minutes later, Snowden and Harrison were escorted back to the limousine which drove off to an unannounced destination.

Snowden received Russian identification papers on August 1, 2013 that allowed him to resettle in Moscow. Not only was he provided with a residence but he was allowed to set up in it a broadcasting studio that could be used for Internet appearance at well-attended events around the world, such as South by Southwest, TED, and other Internet conferences. Snowden was, according to Kucherena, was also furnished with bodyguards. To help earn his keep, he was employed at an unidentified Moscow cyber-security firm. To complete his resettlement, Lindsay Mills, whom he had left behind in Hawaii, was given a 3-month visa and was allowed to temporarily live with him in Moscow. This afforded him a life style which Snowden described in an interview as "great."

Kucherena, although he was acting without compensation from Snowden, later received the stunning sum of one million dollars from Open Road Films, the distributor for Oliver Stone's "Snowden" movie, for the rights to his not completed novel called "Time of the Octopus," a story based on his story of Snowden's stay at the airport.

It would strain credibility that such privileges would be awarded to an intelligence defector who had refused to cooperate with Russian authorities. In Snowden's case, he was even allowed to participate in a Putin's telethon on state-controlled television. On it, he was called on to ask Putin if the Russian government violated the privacy of Russian citizens in the same way that the American government violated rights of its citizens. Putin, smiling at Snowden's presumably vetted question, answered in a single word: "No."

In the Moscow scenario, Snowden received sanctuary, support, perks and high-level treatment by Putin himself because he agreed to cooperate. If Snowden had not paid the price of admission, either in Russia or before his arrival, he would not have been accorded this privileged status.

CHAPTER SEVENTEEN

The Keys to the Kingdom Are Missing

"There's a zero percent chance the Russians or Chinese have received any documents."

--Edward Snowden in Moscow

The critical missing piece in Snowden enigma is the whereabouts of the NSA documents. Greenwald told the Associated Press that the documents that Snowden had taken from the NSA constituted " the instruction manual for how the NSA is built" and they "would allow somebody who read them to know exactly how the NSA does what it does, which would in turn allow them to evade that surveillance or replicate it." Snowden indeed said on camera in June 2013 that NSA investigators would have "a heart attack" when they discovered the extent the breach. Ledgett, the NSA official who it will be recalled had conducted the damage assessment, while not having a heart attack, confirmed that the files Snowden had taken a massive number of files, which he pout at over one million documents, and, among them, what he deemed the NSA's "keys to the kingdom." These so-called "keys to the kingdom" presumably could open up the mechanism through the United States learns about the secret activities of other nations, and, by doing so, bring down the American signals intelligence system that had for 60 years monitored government communications. It had also kept track of adversaries' missile telemetry, submarine movements, and nuclear proliferation.

The Snowden breach was not without precedent at the NSA. There had been two Russian spies at the NSA during the Cold War, Jack Dunlap and David Boone who took a limited number of documents, but no one since the end of the Cold War had taken a single NSA classified document. Now an insider removed, by any count, tens of thousands of NSA's documents. Moreover, many of these documents were classified "TS/SCI"—Top Secret, Sensitive Compartmentalized Information—which, as NSA secrets went, were the gold standard of espionage. Whatever the assessment of Snowden's motivation, the single question that needed to be answered was: What happened to these stolen files?

To begin with, there is a huge disparity between the number of documents that the NSA calculated that Snowden compromised and the number of documents he is known to have handed over to journalists in Hong Kong on a thumb drive. After the Snowden breach, the House and Senate intelligence committees asked the NSA how many documents were taken by Snowden. Even though the NSA had employed a world class team of computer scientists, cryptanalysts and forensic experts to reconstruct the crime from the logs, it could not come up with a definitive number. What it could say was how many documents had been highlighted or selected, coped and moved to another computer. As the NSA briefed these committees in closed-door sessions,

1.7 million had been selected in two dozen NSA computers during Snowden's brief tenure at Booz Allen in 2013. This total included documents from the Department of Defense, NSA and CIA. Of these "touched" documents, some 1.3 million of them had been copied and moved to another computer. The selection of these documents by Snowden could hardly be considered an accident since Snowden had used pre-programmed spiders to find and index these documents. In addition he had stated that he took the job at Booz Allen to get access to data that had been copied. So, as far as the NSA was concerned the 1.3 million documents he copied and moved were considered compromised. On top of this haul, Snowden had copied files while working at Dell in 2012. The total number he stole there is unknown, however, because, as a system administrator there, he could download data without leaving a digital trail. At best, the NSA investigation could only count the documents that were published or referred to in the press and those found on the thumb drive intercepted in London that traced back to his 2012 work at Dell. As previously mentioned, more than half the published documents had been taken during Snowden's time at Dell.

Snowden supporters, to be sure, do not accept that Snowden stole such a large number of documents. According to Greenwald, the NSA vastly exaggerated the magnitude of the theft in order to "demonize" Snowden. Snowden also disputed the 1.7 million number. He told James Bamford of *Wired* in early 2014, that he took far less than the 1.7 million documents that the NSA reported was compromised. He further claimed in that same interview that he purposely left behind at the NSA base in Hawaii "a trail of digital bread crumbs" so that the NSA could determine which documents he "touched" but did not download. If so, these "bread crumbs" were missed by the NSA according to its statement.

It is within the realm of possibility that the NSA Damage Assessment team under Ledgett falsified its finding to inflate the number of documents that Snowden stole. NSA executives also might have lied to Congress to the same end. But why would these officials engage in an orchestrated deception that made them look bad? Ledgett, after all, had been in charge of the National Threat Operations Center from which most of the Level 3 documents were stolen. By exaggerating the magnitude of the theft it would also magnify Ledgett and other NSA's failure in its mission to protect US secrets. Certainly they had no reason to demonize him for legal reasons. Greenwald and Poitras had already effectively demonized him in this regard. They revealed that Snowden had given them a vast number of NSA classified documents on a thumb drive that revealed, as Greenwald put it, the "blueprints" of the NSA. This drive contained, it will be recalled, no few than 58,000 documents. As was discussed in Chapter I, just revealing the partial content of a single document to a journalist, as in the case of CIA officer Jeffrey Sterling, could result in two years in prison. So in the eyes of the law disclosing the full contents of 58,000 highly-classified documents constituted an unprecedented breach of the laws passed to protect communications intelligence. In any case, safely ensconced in Russia, Snowden was not in any legal jeopardy no matter how many documents it was claimed by the government that he stole. It is also makes little sense that the numbers were falsified by the Department to tarnish Snowden's

image. The 35-page Defense Intelligence Agency's damage assessment, for example, that said that 900,000 Pentagon documents were compromised by Snowden, was *not* made public. It was only disclosed via a *Vice* magazine Freedom of Information request in June 2015.

What is known is the number of documents that Snowden gave to journalists in Hong Kong. As will be recalled, Poitras and Greenwald were "writing partners." When Greenwald discovered that his copy of the documents were corrupted, Poitras made a copy of the thumb drive that Snowden gave her in Hong Kong and sent it to her Greenwald in Rio de Janeiro by a courier. That courier was intercepted by British authorities at Heathrow Airport. When examined, the Poitras-Greenwald thumb drive contained some 58,000 documents. This meant that the lion's share of the 1.3 million documents that the NSA claimed were compromised had not been given to journalists and is unaccounted for.

The numbers game is not only misleading nut unenlightening on the issue of the value of the compromised documents. Many of the putative 1.3 million documents that the NSA says were copied and moved were duplicate copies. Others were outdated or otherwise useless routing data. So the quantity does not tell the story. Of far more importance than the quantity of the total haul is the quality of some of the data that Snowden had copied. Just a single one of these documents could cripple not just the NSA but America's entire multi-billion dollar apparatus for intercepting foreign intelligence. The previously-cited summary of requests by the CIA, FBI, Pentagon and other agencies for communications intelligence, for example, which was 31,000 pages long, listed all the gaps in U.S. coverage of adversaries, including those cited by President Obama's national security team. As Ledgett warned, this single document, if it fell into enemy hands, would provide out adversaries with "a roadmap of what we know what we don't know and imp/licitly a way to protect themselves." The "roadmap" was not found among the files on the thumb drive. Nor were most of the missing level 3 lists concerning NSA activities in Russia and China found on the thumb drive, even though Snowden said he took taken his final job at Booz Allen to get access to these lists. If Snowden had not given these documents to Poitras, Greenwald or other journalists, where were they?

The compartment logs showed that Snowden copied and transferred these level 3 documents in his final week at the NSA. He presumably had them in his possession in Hong Kong after he arrived on May 20, 2013. On June 3rd, according to Greenwald, he was still sorting through the material to determine which ones were appropriate to give to journalists. On June 12th 2013, he told reporter Lana Lam in Hong Kong that he was going through the documents, country by country, to determine which additional ones he should pass on to journalists. Eleven days later, he departed Hong Kong for Moscow carrying at least one laptop computer. Even after arriving in Moscow, he suggested he still had NSA secrets in his possession. "No intelligence service — not even our own — has the capacity to compromise the secrets I continue to protect, " he wrote to former Senator Gordon Humphrey, "I cannot be coerced into revealing that information, even under torture." Much of the material he copied while working at Booz Allen remained, as far as the NSA could determine, missing. Had he brought these files under his "protection" to Russia?

An answer came three months later from his Moscow lawyer, Anatoly Kucherena. On September 23, 2013, Kucherena had an extensive interviewed on the state owned RT channel. The interviewer Sophie Shevardnadze, who had a show on RT Television, called "Sophie & Co," was well-admired journalist in her own right. She is also the grand-daughter of Edward Shevardnadze, a former foreign minister and Politburo member of the Soviet Union and, after the Soviet Union broke up, the first president of Georgia. Even though she had interviewed many top political figures in Russia, obtaining an hour-long interview with Kucherena was a coup since, up until then, he had not discussed the subject in Snowden in a television interview. About half-way through the interview, she brought up a highly-sensitive subject of the disposition of the NSA documents. She directly asked Kucherena if Snowden given all the documents he had taken from the NSA to journalists in Hong Kong.

If anyone was in a position to know about these documents, it was Kucherena. He had acted as an intermediary for Snowden in his negotiations with Russian authorities, including the FSB. As such, he would be privy to the status of the secret material that was of immense concern to the Russian intelligence services. When I interviewed Kucherena in Moscow in 2015, he told me that "all the reports" concerning Snowden had been turned over to him by "Russian authorities" in July 2013. "I had all of Snowden's statements," he said. If so, he presumably knew what Snowden had told the Russian security services prior

Had Snowden come to Russia with empty hands or bearing gifts? Kucherena answered her question without any evasion. He said that Snowden had only given "some" of the NSA's documents in his possession to journalists in Hong Kong. He had kept the remaining documents in his possession. That confirmed what Snowden had told Greenwald. Poitras and Lam in Hong Kong. Snowden told them that he had divided the stolen NSA documents into two separate sets of documents. One set he gave to Poitras and Greenwald on thumb drives. The other set, which he told them that he considered too sensitive for these journalists, he retained for himself. As late as July 14, 2013, Greenwald told the Associated Press that Snowden held back documents and " "is in possession of literally thousands of documents ... that would allow somebody who read them to know exactly how the NSA does what it does, which would in turn allow them to evade that surveillance or replicate it." One issue for U.S. investigators at the NSA, CIA and Department of Defense was what Snowden did with the second set *after* his meetings with the journalists in Hong Kong. Did he take these documents with him to Russia?

Shevardnadze, who makes it a point to drill her interviewees, pressed Kucherena as to whether Snowden still had these NSA files, or "material" in Russia. The dialogue went as follows (from the transcript supplied to me by Shevardnadze.)

> Shevardnadze: So he [Snowden] does have some materials that haven't been made public yet?
>
> Kucherena: Certainly.

After establishing some part of Snowden's "material" was still in his possession, Shevardnadze asked the next logical question: "Why did Russia get involved in this whole thing if it got nothing out of?"

In response, Kucherena elliptically hinted that the unreleased material contained CIA secret files. "Snowden spent quite a few years working for the CIA." He said. "We haven't fully realized yet the importance of his revelations." (He was correct that Snowden had stolen a larger number of CIA documents that he had not turned over to journalists, as CIA deputy director Morell confirmed.)

Whatever this material might reveal, the FSB was presumably aware of its existence. After all, Kucherena was on the FSB's public oversight board. If he had kept Snowden's possessions of these documents secret from the FSB, he would not have divulged it in an interview on television.

Kucherena's answer left little ambiguity to the critical question about the fate of the NSA's missing documents: Snowden had not destroyed the electronic files of NSA documents that he had not distributed to journalists. He still had them, when Kucherena had reviewed his files in Russia. Kucherena's disclosure that Snowden retained these crucial documents did not contradict Snowden's own story at the time of the Shevardnadze interview. Indeed, it was completely consistent with the statement Snowden made three weeks after arriving in Russia in his previously-mentioned email to Senator Humphrey.

Snowden subsequently changed his story. In mid-October, Snowden electronically-informed journalists that he had destroyed all the NSA documents in his possession before flying to Moscow. So his new story radically contradicted what his own lawyer had said the previous month on television.

To be sure, Kucherena who later confirmed the accuracy of the Shevardnadze interview to me in Moscow in 2015 may have meant to say that Snowden only had access to the NSA documents rather than having the physical files in his possession. It is certainly possible that Snowden transferred the NSA files from his own computers and thumb drives to storage on a remote server in the so-called "cloud" before coming to Russia. The "cloud" is actually not in the sky but a term used for remote storage servers, such as those provided by Drop Box, Microsoft, Google, Amazon and other Internet companies. Anyone who is connected to the Internet can store and retrieved files by entering a user name and a password. For Kucherena to be certain Snowden had access to this data, Snowden must have demonstrated his access either to him or the authorities. The Russians therefore also knew Snowden had the means to retrieve this data. Since the data concerned electronic espionage against Russia, the FSB had every reason to ask him to share his user name and password. If Snowden had encrypted these files, it would also ask for his encryption key. And the FSB is not known to take a no for an answer in issues involving espionage.

Even if Snowden refused to furnish his key, it would not present an insurmountable barrier for the FSB. Snowden may have had confidence in the power of his encryption protocols but,

according to a former National Security Council staffer, the Russian cyber service in 2013 had the means, the time and the incentive to break the encryption. It is unlikely they would have gone to the trouble since they had Snowden in the palm of their hand in Moscow. It doesn't take a great stretch of the imagination to conclude that, by one way or another, willingly or under duress, Snowden shared his access to his treasure trove of documents with the agencies that were literally in control of his life in Russia.

Kucherena's answer to the question of access also may help to explain Putin's decision to allow Snowden to come to Moscow. As has been discussed earlier, it was not a minor sacrifice for Putin. His foreign minister, Sergei Lavrov, had spent almost six months negotiating with Hillary Clinton's State Department a one-on-one summit between President Obama and President Putin. Not only would this summit be a diplomatic coup for Russia but it would add to Putin's personal credibility in advance of the Olympic Games in Russia. In mid-June, after US intelligence reported to Obama's National Security adviser that Snowden was in contact with Russian officials in Hong Kong, the State Department explicitly told Lavrov that allowing Snowden to defect to Russia would be viewed by President Obama as a blatantly unfriendly act. As such, it could (and did) lead to the cancellation of the planned summit. So Putin knew the downside of admitting Snowden.

But there was also an upside if Snowden had access to the NSA documents. A large archive of files containing the sources of the NSA's electronic interceptions, as Snowden claimed he had in Hong Kong, had enormous potential intelligence value Putin therefore had to choose between the loss of an Obama summit and the gain of an intelligence coup. That Putin chose the latter suggests that he had calculated that the utility of the intelligence that the NSA archive outweighed the public relations advantages of the Obama summit (which, after Snowden arrived in Moscow, was cancelled by Obama.) Would Putin have made such a sacrifice if Snowden had destroyed or refused to share the stolen data? "No country, not even the United States, would grant sanctuary to an intelligence defector who refused to be cooperative," answered a former CIA officer who had spent a decade dealing with Russian intelligence defectors. "That's not how it works." If so, it seems plausible to me that, as Kucherena said, that Snowden's documents were accessible to him either on a computer or via storage in the cloud after he arrived in Moscow. It explains why Russia exfiltrated him from Hong Kong and provided him with a safe haven,

The Quickly Changing Narrative

Just three weeks after Kucherena's stunning disclosure, Snowden changed the narrative. His first exchange with an American journalist after his arrival in Russia was not until October 1`7, 2013. It was conducted over the Internet with James Risen, a Pulitzer-prize winning *New York Times* reporter. Essentially Snowden supplied answers to a set of questions. In then, Snowden now asserted he took no documents to Russia. The subsequent front-page story, which carried the headline, "Snowden Says He Took No Secret Files to Russia," reported that Snowden claimed that he gave all his documents to journalists in Hong Kong and he brought none of them to Russia. He also said that he was "100 percent" certain that no foreign intelligence service had had access to them at any point during his journey from Honolulu to Moscow.

When I later asked Kucherena in Moscow why Snowden changed his story in direct contradiction of what Kucherena had stated, he said "Wizner." He was referring to Ben Wizner, a top-drawer ACLU lawyer based in Washington D.C. Wizner had joined the ACLU in August 2001 after graduating NYU law school and clerking for a Federal judge. At the ACLU, he became an effective foe of NSA surveillance. "I had spent ten years before this [Snowden leak] trying to bring lawsuits against the intelligence community," he explained in an interview with *Forbes* in 2014. Prior to the Snowden leak, he had been consulted frequently by Poitras on government surveillance issues (and appeared in Poitras' 2010 documentary "The Oath.") He had also been engaged in a law suit aimed at exposing the NSA's subpoenas for Verizon records.

He had first learned about Snowden in early 2013, while Snowden was still working for the NSA, from Poitras. At that time, Poitras did not know Snowden's real name, but she revealed to Wizner that she had found an anonymous source with access to U.S. government surveillance secrets. So he was not completely surprised when Glenn Greenwald, Poitras' writing partner, asked him in July 2013 to contact Snowden in Russia.

Snowden offered an opportunity for Wizner since the ACLU already had been pursuing a suit in Federal court against the government's seizure of Verizon's billing records. If he could induce Snowden to retain him and the ACLU, he could claim standing in Federal court to represent Snowden in the case. He also fully believed in the salutary benefit of Snowden's revelations. They communicated over Skype, according to Kucherena. When they discussed Snowden's legal situation in America, Snowden expressed an interest in obtaining some form of amnesty from prosecution in America. Wizner was willing to attempt to explore making a possible deal with the Department of Justice, but it would not be an easy task, especially if Snowden had turned over NSA documents to a foreign power.

Even to argue that Snowden was merely a NSA whistle-blower presented a serious challenge for Wizner. The ACLU had been involved with three previous NSA whistle-blowers, William E. Binney, Thomas A. Drake, and Russell D. Tice, but Snowden's case differed from those cases in an important ways. Binney, Drake, and Tice had not intentionally taken any NSA documents. Snowden, on the other hand, had not only taken a large NSA documents but released tens of thousands of these top secret files to journalists based in Germany and Brazil as well as other unauthorized recipients. In addition, the Whistle Blower Protection Act, passed by Congress in 1989, does not exempt an insider who signs a secrecy oath, such as Snowden, from the legal consequences of disclosing classified documents to journalists or other unauthorized persons. Consequently, getting some form of amnesty for Snowden required changing Snowden's public image from that of a person who had damaged America to an image of a person who had helped America. But if Snowden had taken even a single top secret document to Russia, the case could be made that he had stolen communications intelligence secrets with intent to damage the United States, which under the law could be considered espionage. In this regard, Kucherena's disclosure was extremely damaging to Snowden's position.

One way to mitigate the damage from it was for Snowden to substitute a new narrative. In it, he would say to say to hand-picked journalists that he had given all his documents to Poitras and Greenwald in Hong Kong and took none of them to Russia, Wizner could then argue that documents such as the FISA warrant were improperly classified secret and that disclosing them

served the public good. The government might not be able to contest his claim without further revealing NSA sources. Under these circumstances, it might be induced to agree to a plea bargain for Snowden. Changing the narrative would also help enhance his public image as a whistle-blower,

Whatever the reasoning that led to it, Snowden's new narrative was that he had destroyed all the documents he had in his possession before coming to Moscow and had no access to any NSA documents, not even those that he had distributed to journalists.

Snowden reinforced this narrative in almost in a series f interviews arranged by Wizner. In December 2013, he met with Barton Gellman of the *Washington Post*. It was his first face-to-face meeting with a journalist since he had arrived in Russia in June. To advance his narrative , Snowden turned on his laptop to Gellman and, as if proving his point, said to him "there's nothing on it… my hard drive is completely blank." That his computer had no files stored on it actually meant very little. The files could have been transferred to another device, or, as was discussed earlier, to a server in the cloud. Gellman probed further by asking the precise whereabouts of the files, but, as he reported, Snowden declined to answer that question. All that he would say was that he was "confident he did not expose them to Chinese intelligence in Hong Kong." Since that answer did not nail down the issue, Wizner arranged for *Vanity Fair*, which was preparing an article on Snowden, to submit questions. In his reply to them, Snowden wrote s that he destroyed all his files in Hong Kong because he didn't want to risk bringing them to Russia. He expanded on this claim in three more interviews arranged by Wizner. These interviews were with three journalists who themselves had opposed NSA surveillance: James Bamford writing for *Wired* magazine, Alan Rusbridger, the editor of the *Guardian* and Katrina vanden Heuvel, the editor of *The Nation.* He also gave a televised interview to Brian Williams of NBC News in which he explained that since he had no access to the NSA documents in Russia, he could not provide access to the Russians even if they "break my fingers."

Snowden did he specify where, when or how the putative destruction of the files occurred, and offered no witnesses or evidence, other than a blank laptop screen to corroborate it. Even though his new narrative was widely accepted by the media, a self-serving claim by a perpetrator that files have been destroyed cannot be accepted at face value in a digital age in which files can be copied to another computer or moved to the "cloud" with the click of a key,. After all Snowden went to considerable risk to select, copy, and steal these Level 3 documents in mid-May before leaving Hawaii for Hong Kong. They were the last medium of value he held in Hong Kong. These secrets were his potential bargaining chips. Why would he simply erase them in June in Hong Kong? It is also difficult for me to accept that he would destroy these documents because he feared the Russians might get them. If he was so concerned about the ability of Russian intelligence, he could have stayed in Hong Kong and fought extradition instead of flying to Russia. Once he made his arrangements to go to Russia, he must have realized that even without the files on his computer, the Russian intelligence service could still obtain the NSA secrets he held in his head. Indeed, as he told the New York Times, the secrets he held in his head would have devastating consequences for NSA operations.

In light of Kucherena statement that Snowden had access to NSA documents in Russia, it would require some form of a suspension of disbelief to accept Snowden's new narrative. But even if one was willing to accept his erasure claim, it still would not mean that the NSA documents had not fallen into the hands of adversaries.

If he had destroyed all of the electronic copies of the NSA's data before boarding his flight to Moscow, he could he be "100 percent" certain, as he claimed that the data had not been accessed

by others prior to his departure from Hong Kong. His files could have been copied without his knowledge, just as he had copied them without the NSA's knowledge. As former U.S. intelligence officers pointed out to me, adversary services could not be expected to shirk from employing their full capabilities once they learned that an American "agent of special services," as Putin called him, had brought stolen NSA documents to Hong Kong. The *New York Times* reported from Hong Kong that two sources, both of whom worked for major government intelligence agencies, "said they believed that the Chinese government had managed to drain the contents of the four laptops that Mr. Snowden said he brought to Hong Kong." That China had the capability to obtain Snowden's data was also the view of former CIA Deputy Director Morell. He said: "Both the Chinese and the Russians would have used everything in their tool kit—from human approaches to technical attacks—to get at Snowden's stolen data."

Snowden would not have been a particularly difficult target for them, especially after he started disclosing secrets to journalists at the Mira hotel in Hong Kong. Not only could the Chinese service approach the security staff at the Mira Hotel but they could track him after he left the hotel and moved, along with his computers, in and out of several residences arranged by his "carer." Snowden, after all, had put himself in the hands of people whom he had never met before including three Hong Kong lawyers, a "carer" and three *Guardian* journalists. Presumably, the efforts of these adversary intelligence services to find him, and the NSA data, would further intensify after Snowden revealed to the *South China Morning Post* on June 14, 2013 that he had access to NSA lists of computers in China and elsewhere that the NSA had penetrated.

It wouldn't be only the Chinese service on his trail. The Russian intelligence service would also likely be tasked to acquire these NSA documents after Snowden's meeting with Russian officials in Hong Kong. And while he could get away with giving coy and elusive answers to journalists who asked him about the whereabouts of the NSA data, the Russian and Chinese officials in Hong Kong, who could offer him an escape route from prison, likely would demand more specific answers about the whereabouts of data they had no already obtained by technical means.

The Post- Hong Kong Documents

The NSA concern about who had access to its missing files deepened further when NSA documents continued to surface in the press *after* Snowden went to Moscow. If US intelligence needed any further evidence that someone had access to the documents, these additional revelations provided it. The most sensational of them was a purported document attributed to Snowden concerning the NSA hacking the cell phone of German Chancellor Angela Merkel. The story was published on October 23, 2013 on the *Der Spiegel* website. The co-author of the story was Jacob Appelbaum. Even though Snowden had by now been in Russia for four months, he was cited, along with unnamed "others" as the source for the NSA document. Nor did Snowden deny it. Indeed. He took a measure of credit for the revelation, saying on German TV "What I can say is we know Angela Merkel was monitored by the National Security Agency." If Snowden's

had released this document, it would be consistent with Kucherena's assertion that Snowden had access to the archive.

Adding to the intrigue, Poitras was apparently caught by surprise when the Merkel story broke in *Der Spiegel*. She urgently texted Snowden on what she called "background" (which ordinarily means that a journalist will not attribute information to a source.) She asked him in the text to explain the NSA's actions. Snowden explained to her that Merkel was listed by her true name (and not by a codename) in the NSA document because the German chancellor was a NSA "target not an asset." Presumably, Poitras would have already known that distinction if she had the document referred to in *Der Spiegel*. If the Merkel document was not among the data given to Poitras in Hong Kong , how did it get to the authors of the *Der Spiegel* article?

One of the authors, Appelbaum, as discussed earlier, had been in contact with Snowden before he went public. He had served as Poitras' co-interrogator of Snowden while he was still working at the NSA in May 2013. Appelbaum also, was one of the leading supporters of Wikileaks. Since he was famously an advocate of revealing government secrets, it seems unlikely that he would have delayed releasing such a bombshell about Merkel's phone if Snowden had given him this document *before* he had left Hong Kong in June 2013. Why would Appelbaum kept it secret for more than four months? The same pressure to publish would also apply to the journalists Snowden had dealt with in Hong Kong. If Snowden had given Poitras, Greenwald, Lam or MacAskill the Merkel document, or even told them about it in their interviews with him in Hong Kong, the *Guardian* would have certainly rushed out such a scoop.

According to source with knowledge of the Snowden investigation, there was no document referencing any spying on Merkel's phone among the 58,000 documents on the thumb drive that Snowden had given Poitras and Greenwald in Hong Kong. That absence would explain why Poitras had to send a text to Snowden in Moscow to ask for an explanation after the story broke. Further confirmation of the absence of this document in the material Snowden provided journalists in Hong Kong comes from James Bamford, a well-respected expert on the NSA. In the course of researching his 2014 article on Snowden for *Wired* magazine, he was given access to all the documents Snowden gave to Poitras, Greenwald and Gellman. Bamford used a sophisticated indexing program to search through the database specifically for The Merkel material. , Even so, he did not find any. He reported that no document that even mentioned Merkel given to journalists in Hong Kong mentioned Merkel. It therefore appeared that the Merkel document was provided to *Der Spiegel* after Snowden went to Moscow in June. If so, some party had access to NSA documents after Snowden arrived in Russia and provided the authors of the *Der Spiegel* story with the scoop. In that context, it may have not been a pure coincide that Kucherena's disclosed that Snowden had access to documents which he had not given to journalists in Hong Kong shortly before just such a document was [published in Germany.

For his part, Bamford explored the possibility that there might be another mole in the NSA. Was it possible another person in the NSA was stealing documents? He wrote Poitras and asked

her whether the Merkel document could have come from another person in the NSA. He notes that she declined, via a letter from her lawyer, to answer that question. But since she had not been the author of the *Der Spiegel* article, and it had not been given the document, there is no reason to she would know its provenance.

The post-Hong Kong documents did not stop with the Merkel one. Documents continued to emerge years after Snowden arrived in Moscow. In June 2015, for example, the Wikileaks website released another putative Snowden document two years after he had supposedly wiped his computer clean in Hong Kong. It revealed that the NSA had targeted the telephones of the three consecutive presidents of France-- Jacque Chirac, Nicolas Sarkozy and Francois Hollande, all of whom were allies of the United States. Moreover, according to a former NSA official, this 2015 document, like the 2013 Merkel material, not among the data on the thumb drive given to journalists in Hong Kong. The released on the Wikileaks site came at an embarrassing time since in the midst of NATO war games held near the Russian border, which Putin had vehemently denounced, The accompanying article was co-authored by Julian Assange, who now claimed to have access to Snowden's NSA material. Since Assange, it will be recalled, had been in telephonic contact with Snowden in Hong Kong and his deputy, Sarah Harrison, had spent five months in Moscow with Snowden in 2013, it is certainly possible Snowden was his source. But it seems difficult to believe that Assange waited two years before publishing since he has made it part of his modus operandi to publish documents immediately. And since Wikileaks receives documents anonymously via its TOR software, any party, with access the Snowden files, could have sent it.

Greenwald and Poitras also released belated documents. On July 15, 2015, for example, their web publication *The Intercept* released a Snowden document that t cited a NSA intercept of Israeli military communications about an Israeli raid in Syria on August 1, 2008. It revealed that in it a group of Israeli commandos killed General Suleiman, a top aide to President Assad who had been working with North Korea to build a nuclear facility in Syria. Israel had destroyed that facility in Operation Orchard nearly a year earlier. Whatever the purpose of this new release of a NSA document (which had little, if anything, to do with any of the NSA's own operations); it was not among the data that Snowden had given Poitras and Greenwald in Hong Kong in 2013, according to a source with access to the investigation. If so Poitras and Greenwald, like Appelbaum and Assange, were still receiving NSA documents that Snowden had allegedly stolen a long time after he claimed he had destroyed all his files.

The NSA reportedly determined that these belated documents, all of which concerned American allies in Germany, France and Israel, had been among the material copied during the Snowden breach. They provided further reason to believe that someone still had access to the documents that were not distributed to journalists in Hong Kong. Kucherena's disclosure just before the first post-Hong Kong release that Snowden still had access to the NSA files made it appear plausible that Snowden sent these documents to *Der Spiegel, Wikileaks* and *The Intercept*. A former high-ranking KGB officer I interviewed had a very different view. He told me that in his experience an intelligence defector to Russia would not be allowed to distribute secret material to journalists without explicit approval by the security service tending him. , and that this injunction would be especially true in the case of Snowden after Putin publicly had forbade

him from releasing U.S. intelligence data. The alternative is that this material was released at the behest of the Russian intelligence service.

The mystery of the post Hong Kong documents also intrigued members in the US intelligence community with whom I discussed it. When I asked a former intelligence executive about the ultimate source for the Merkel story, he responded: "If Snowden didn't give journalists this document in Hong Kong, we can assume an intermediary fed it to Appelbaum to publish in *Der Spiegel*?" According to him, the NSA investigation had determined that Snowden indeed had copied a NSA list of cell phone numbers of foreign leaders, including the number of Merkel. This list became the basis of the *Der Spiegel* story. It was also clear that Snowden in Moscow gave credence to the release. He made a major point about the hacking of Merkel's phone in an interview with *Wired* magazine in 2014. Just about two weeks before the leak, Kucherena said Snowden still had access to the documents. Clearly, someone had access. But whoever was behind it, the release of information about the alleged bugging Merkel's phone resulted in badly fraying US relations with Germany in the midst of developing troubles in Ukraine. As it later turned, according to the investigation of the German federal prosecutor concluded in 2015, there was no evidence found in this document, or elsewhere, that Merkel's calls were ever actually intercepted. Although they revealed little, if anything, the intelligence services of Germany, France and Israel were not already aware of, they raised a public outcry in allies against NSA surveillance, and the outcry became the event itself.

While these post-Hong Kong documents had little, if any, intelligence value, they provided further evidence that at least part of the stolen NSA documents was in the hands of a party hostile to the United States. If so, it wasn't much of a leap to assume that this party also had access to the far more valuable Level 3 documents revealing the NSA's sources and methods, such as the one that Ledgett had described as a "road map" to U.S. electronic espionage against Russia and China.

Within the intelligence community, this concern was heightened by new counter measure to this espionage employed by Russia and China after Snowden reached Moscow. For example, there were indications that the NSA had lost part of its capabilities to follow Russian troop movements in the Crimea and Eastern Ukraine. U.S. intelligence officials even went so far as to suggest, according to a report in the *Wall Street Journal* that " Russian planners might have gotten a jump on the West by evading U.S. eavesdropping."
. Britain also discovered that some of its secret operations had been compromised after Snowden went to Moscow. According to a 2015 story in the *Sunday Times* of London, British intelligence had determined that Britain's intelligence- gathering sources had been exposed to adversary services by documents that Snowden had stolen from the NSA in 2013. These documents had been provided to the NSA by the GCHQ, the British cipher service. Unless such intelligence disasters were freak aberrations, it appeared to confirm General Alexander warning in 2014 that the NSA was "losing some of its capabilities, because they're being disclosed to our adversaries."

Snowden's supporters, to be sure, disputed this view. If only as an act of faith in Snowden's personal integrity, they continued to believe his avowal to Senator Humphrey that he had acted to protect U.S. secrets by shielding them from adversary intelligence services after he took them abroad. They also continued to take him at his word when he said he had destroyed all the NSA documents before going to Russia. Despite such protestation of Patriotic loyalty, U.S intelligence officials could not so easily dismiss the possibility that the missing documents still existed. After all, a U.S intelligence worker who is dedicated to protecting American secrets from its adversaries does not ordinarily takes them to an adversary country. The NSA, CIA and Department of Defense therefore had little choice but to assume the worst had happened: Russia and China had obtained access to the "keys of the kingdom". Whatever the extent of the actual damage, it was up to General Alexander's replacement, Admiral Michael Rogers, both to restore morale and rebuilding the capabilities of America's electronic intelligence in the wake of the massive breach. According to a National Security staff member in the Obama White House, that job would take more than a decade. Meanwhile, Whoever now held the keys to the kingdom, one thing was certain: the NSA had failed to protect them. This intelligence failure did not happen out of the blue. Meanwhile, Putin added insult to the injury by awarding the alleged perpetrator sanctuary in Russia.

CHAPTER EIGHTEEN

The Unheeded Warning

"The NSA—the world's most capable signals intelligence organization, an agency immensely skilled in stealing digital data—had had its pockets thoroughly picked."

- --CIA Deputy Director Michael Morell

In April 2010, the CIA received a stark reminder of the ongoing nature of Russian espionage. It came in the form of a message from one of its best placed moles in the Russian intelligence service. This surreptitious source was Alexander Poteyev, a 54-year old colonel in the SVR, which was the successor agency to the First Chief Directorate of the KGB. While the FSB took over the KGB's domestic role in December 1991, the SVR became Russia's Foreign Intelligence Service. Its operation center was in the Yasenevo district of Moscow. The CIA had recruited Poteyev as its mole in the 1990s when he had been stationed at the Russian Embassy in Washington DC. That it could sustain a mole in Moscow for over a decade attested to its capabilities in the espionage business. After he returned to Moscow, still secretly on the CIA's payroll, he became the deputy chief of the SVR's "American" section. This unit of Russian intelligence had the primary responsibility for establishing spies in CIA, FBI, NSA and other American intelligence agencies.

The SVR's last known (or caught) mole in US Intelligence was CIA officer Harold Nicholson in 1996. Before it could now expand its espionage capabilities. It needed to build a network of Russian sleeper agents in the United States. For this network, it needed to groom so-called "illegals," or agents who were not connected to the Russian Embassy. This so-called "illegals" network was necessary since presumably all Russian diplomats, including the so-called "legal" members of Russian intelligence, were under constant surveillance by the FBI. Advances in surveillance technology in the 21st century had made it increasingly difficult to communicate with recruit through its diplomatic missions. To evade it, the "American" division of the SVR was given the task of placing individuals in the United States disguised as ordinary Americans. Their "legend," or operational cover, could be thin since they would not be applying for jobs in the government. Their job was simply blend in with their community until they were called upon by the "American" department in Moscow to service a mole that had been planted in US intelligence or other part of the US government. Until there were activated by such a call, they were classified as sleeper agents. Unlike the SVR's "legal" officers, who were attached to Russian embassies as diplomats and were protected from arrest by the Treaty of Vienna, the SVR's illegal agents lack diplomatic immunity. According to Pavel Sudoplatov, who defected from the KGB in the Cold War, the sole job of such sleeper agents was to "live under cover in the West awaiting assignments for the Center." One assignment that justifies the expense of maintaining such agents is to service a penetration, after one is made, in the US intelligence establishment. While

waiting to be activated for such a job, sleeper agents were instructed to build every detail of their cover identity so as to perfectly blend in with Americans.

To build this American network of sleeper agents took the better part of a decade. In 2005, this SVR's "American" section in Moscow had begun methodically installing "sleeper agents" in the US. Almost all of them were all Russian citizens who had assumed new identities to better blend into their communities.

The CIA learned of this sleeper program through Poteyev soon after it began. The issue was how to exploit this knowledge. When I was writing my book on international deception, Angleton had pointed out to me that "the business of intelligence services is understanding precisely the relationship of their opposition to them." His view, though his opponents inside the CIA would call it with some justification an obsession, was that an intelligence service had focus on the moves of its rivals. To accomplish this "business" in the first decade of the 21st century, the CIA had to establish why its new opposition, the SVR, was laying the foundation for an espionage operation. What were its priorities in the resumption of the intelligence war? Its inside man, Poteyev, in the SVR, provided it with a tremendous advantage in this relationship. It knew the links in a sleeper network that the SVR believed was safely hidden from surveillance. If they were followed, when they were activated they could expose whatever recruits the SVR had in the American government. The CIA duly shared this information about the sleeper ring with the FBI, which had the responsibility for the surveillance of foreign agents in the United States, The FBI, for its part, kept the Russian sleeper agents under tight surveillance—an operation which grew in complexity and expense as more SVR agents arrived in the US.

Meanwhile, in Moscow, Poteyev was following the unfolding operation. Part of his SVR job was to continue preparing these "Americans," as they were called by the SVR, for their assignments. Some had been sent as couples, other as singletons. One of the singletons that Poteyev personally handled was Anna Kushchyenko. She was a strikingly beautiful Russian student, who changed her name to Anna Chapman by briefly marrying a British citizen she met at a rave party. After taking his name, she left him. After completing her training in Russia, the SVR sent her to New York City to establish herself as international real estate specialist. Other "Americans" under Poteyev's watch became travel agents, students, and financial advisers. In all, Poteyev identified to the CIA twelve such sleeper agents. Since they had been instructed to simply act out their role, while awaiting an intelligence assignment, they presented no real threat. Even so, the cost of FBI surveillance over the years became sizable. Around the clock surveillance on the movements and communications of a single individual can cost, according to a former FBI agent, over $10,000 a day.

The situation suddenly changed when the CIA received Poteyev's message in 2010. It warned that Russian military intelligence had asked the SVR to activate some of its sleeper agents for a highly-sensitive assignment. Such a move suggested that Russian intelligence had found a possible source that could supply it with valuable information. According to a former CIA

intelligence official who later became involved in the case, the assignment involved preparing these agents to service a potential source in the NSA at Fort Meade, Maryland. If true, it suggested that Russian intelligence either had found or was working on a means of penetrating the NSA.

In 2010, the NSA's "Q" division handled such security and espionage threats. It reportedly initiated a counter-espionage probe at the NSA's Fort Meade headquarters on receiving the tip. But since the NSA's cryptological service had in 2010 no fewer than 35,000 military and civilian contractor employees, the search for a possible leak was no easy matter. According to a subsequent note in the NSA's secret budget report to Congress, it would require "a minimum of 4,000 periodic investigations of employees in position to compromise sensitive information" to safely guard against "insider threats by trusted insiders who seek to exploit their authorized access to sensitive information to harm U.S. interests." According to a former executive in the intelligence community, that amount of investigations far exceeded the budgetary capabilities of the NSA. So while the investigation found no evidence of SVR recruitment, it remained possible that Russian intelligence had found a candidate in the NSA.

Meanwhile, in June 2010, to pre-empt such a leak in US intelligence and avoid any potential embarrassment that could result, the FBI decided it could no longer engage in this sort of an intelligence game with the sleeper network. It arrested all 12 sleeper agents identified by Poteyev. After receiving a great deal of public attention (which led to them inspiring the FX series: The Americans,"), the sleeper agents were deported back to Russia. This move had both advantages and disadvantages. The main advantage was that it severed any communication link between the putative person-of-interest in the NSA and Russian intelligence via the sleeper agents. The main disadvantage was that it eliminated the possibility that FBI surveillance of the illegals might lead the FBI to a possible recruit in the NSA or elsewhere.

The pre-emptive arrests also had an unforeseen consequence. They resulted in accidently compromising the CIA's own mole, Poteyev. In entrapping Anna Chapman, who was one of the more active of the sleeper agents, the FBI agent had used a password to deceive her into believing she was speaking to a SVR officer (when in fact she was speaking to an FBI agent who was impersonating one.) That unique password had been personally supplied to her by Poteyev. So Chapman had reason to believe Poteyev had betrayed her,

When Chapman returned to Moscow after the spy exchange, she was taken to a well-publicized dinner with Putin. Afterwards, she informed her debriefer at the SVR that only Poteyev had been in a position to know the password that the FBI agent used. This brought Poteyev under immediate suspicion. Tipped off by the CIA to the FBI's error, Poteyev managed to escape by taking a train from Moscow to Minsk in Belarus. The CIA next exfiltrated him out of Belarus and to the United States. Poteyev had been saved from prison—or worse, but he was no longer useful to the CIA as a mole. Without the services of Poteyev in the SVR in Moscow, US intelligence was unable to find out further details about the mission to which Poteyev's sleeper

agents were to be assigned. All it had discovered was the history of the preparations for a major espionage revival. It now knew that the SVR had installed plumbing in America that one or more agents in this network had been activated to handle a possible recruit in the NSA. But without anyone left in the sleeper network to follow and without an inside source in the SVR, it had no further avenues to fruitfully pursue. The revelation of the sleeper agents had little, if any, other intelligence value.

The NSA's own security investigation turned up no evidence of a leak at Fort Meade in 2010. The absence of evidence of a penetration in a security investigation is not in itself evidence of the absence of a penetration. The Russian intelligence service had demonstrated in the past it was well-schooled in covering its tracks in operations against US communications intelligence. For example, CIA counterintelligence had learned from a KGB defector in the early 1960s that Russian intelligence had penetrated the cipher room at the US Embassy in Moscow and, because of this operation, the KGB was able to decipher crucial communications. Even so, it failed to find either the perpetrator or any evidence of his existence for more than a half century. The operation was only definitively revealed by Russian spymaster Sergey Kondrashev in 2007. Tennent Bagley, who headed the CIA's Soviet Bloc counterintelligence at the time, late wrote in his book that the ability of Russian intelligence to conceal this penetration for more than a half century "broke the record for secret keeping."

This Russian ability to penetrate US intelligence was not entirely defeated by America's implementation of more sophisticated security procedures, such as the polygraph examination and extensive background checks. In 1995, only 10 years before Snowden joined it, the CIA's inspector general completed a study of the KGB's use of false defectors to mislead the US government from the end of the Cold War in late 1980s through the mid-1990s. It found Russia had dispatched at least half-dozen double agents who provided misleading information to their CIA case officers. Because the KGB operation went undetected for nearly a decade, the disinformation prepared in Moscow had been incorporated into reports, which had a distinctive blue stripe to signify their importance, had been provided to the three American Presidents, Ronald Reagan, George H.W. Bush and Bill Clinton. Even more shocking, in tracing the path of this disinformation, the Inspector General found that the "senior CIA officers responsible for these reports had known that some of their sources for this information were controlled by Russian intelligence," yet they did not inform the President and officials receiving the blue-striped reports, that they had included Russian misinformation. What CIA Director John Deutch called "an inexcusable lapse" also reflected a form of institutional willful blindness in US intelligence, borne out of bureaucratic fear of career embarrassment so well described in LeCarre's spy novels. Detecting intelligence failures has, if anything, become even more difficult in the age of the anonymous Internet.

The NSA's vulnerability to intelligence lapses, which became all too apparent with Snowden, had departed America with a large selection of its most secret documents. The Snowden breach

demonstrated the NSA had few, if any, fail-safe defenses against a would-be leakers of communication intelligence. In the new domain of cyber warfare, conventional defensive rules do not apply. "There are no rivers or hills up here. It's all flat. All advantage goes to the attacker," Michael Hayden said in an interview in 2015 with the publisher of the *Wall Street Journal*. His point was that since there are no defensive positions, cyber warfare must rely on an aggressive offensive. If fully successful such attacks would so deeply penetrate the defenses of an adversary intelligence organization that it could not mount any of its own unexpected cyber attacks Such offensive capabilities would make it difficult, if not impossible, for adversary services to recruit a spy in the NSA. .For example, the CIA penetration of the SVR in 2010 prevented it from using its the sleeper network against U.S. targets. "The best defense in this game may be an overwhelming offensive," a former intelligence official said to me. "but that strategy only works if we can keep secret sensitive sources."

Central to this offensive strategy was the NSA's National Threat Operations Center in Oahu, Hawaii. It employed threat analysts to surreptitiously monitor the secret activities of potential enemies, mainly China, Russia and North Korea. A large part of their job was to make transparent to the US the hostile activities of the Russian and Chinese services so that they posed little, if any, intelligence threat to America. This strategy worked so far as the NSA guarded itself but it also raised the issue, as the Roman Juvenal famously warned "Quis custodiet ipsos custodes?" Who will guard the guards themselves?

Less than three years after the NSA had received the Poteyev warning, a 29-year old civilian trainee at the National Threat Operations Center, demonstrated its glaring vulnerability. Instead of guarding secrets, Snowden stole them. General Hayden described the Snowden breach as the "most serious hemorrhaging of American secrets in the history of American espionage. Among the documents taken in this security breach were lists of secret NSA sources in China and Russia. Despite all the measures the NSA had taken to protect its vital secrets, a lowly civilian employee had walked away with the keys to its kingdom In the hands of their intelligence services, these stolen lists had the potential to totally upend the NSA's offensive strategy. Since Russia and China have an intelligence treaty for sharing such spoils between them when it is to their mutual advantage, it had to be assumed that if either country had acquired the secrets from Snowden, they would be shared between them altering the balance of power between the communication intelligence services of the US and its adversaries.

Following the Snowden breach both China and Russia had immense successes d in breaking through the defenses of US government networks, including the breaches in 2014 and 2015 of U.S. personnel files and background checks. When I asked General Hayden in June 2015 if these successes were made easier by those documents compromised by Snowden, he replied, "Even though I cannot make a direct correlation here, unarguably our adversaries know far more about how we collect signals intelligence than they ever did before [Snowden]."

If Snowden could cause such massive damage, so could other civilian trainees at the NSA. Someone in the chain of command had to take responsibility, General Alexander tendered his resignation on June 30th, 2013. " I'm the director, "he said, falling on his sword. "Ultimately, I'm accountable. " As President Obama did not want the head of the NSA resigning in the midst of the Snowden crisis, he asked him to stay on for another six months. He then appointed Admiral Michael Rogers to be his replacement. Meanwhile, it had become undeniable clear to the Review Committee appointed by President Obama in 2013 that the NSA's own defenses had catastrophically failed. If so, this change was the equivalent of re-arranging the deck chairs on the *S.S. Titanic* after it hit an iceberg.

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PART FOUR

THE GAME OF NATIONS

"I learned that just beneath the surface there's another world, and still different worlds as you dig deeper."

--David Lynch on his 1986 film *Blue Velvet*

CHAPTER NINETEEN

The Rise of the NSA

"There are many things we do in intelligence that, if revealed, would have the potential for all kinds of blowback," -- National Intelligence" – James Clapper, Director of National Intelligence

In the Game of Nations, which is played at a level that often is not visible to public scrutiny, the great prize is state secrets that reveal the hidden weaknesses of a nation's potential adversaries. The most important of these in peacetime is communication intercepts. It was just such state secrets that Edward Snowden took from the NSA in the spring of 2013. Before that breach, America's paramount advantage in this subterranean competition was its undisputed dominance in business of obtaining and deciphering the communications of other nations. The NSA was the instrument by which the United States both protected its own secret communications and stole the secrets of foreign nations. The NSA, however, has an Achilles' heel: it is dependent on civilian computer technicians who do not necessarily share its values to operate its complex system. Because of this dependence, it was not able in 2013, as it turned out, to protect its crucial sources and methods.

Snowden exposed this vulnerability when he walked away with, among other documents, the 32,000 page-long country by country descriptions of the gaps in America's coverage of the communications of its adversaries. Even though the Cold War had been declared over after the collapse of the Soviet Union a quarter of a century earlier, the age-old enterprise of espionage did not end with it. Russian and China still sought to blunt the edge that the NSA gave the United States. So the Snowden breach cannot be simply looked as an isolated event. It needs to considered in the context of the once and future intelligence war.

The modern enterprise of reading the communications of other nations traces back in the United States to military code-breaking efforts preceding America's entry into the First World War The invention of the radio at the end of the nineteenth century soon provided the means of rapidly sending and getting messages from ships , submarines, ground forces, spies, and embassies. These over-the-air messages could also be intercepted from the ether by adversaries. If they were to remain secret, they could not be sent in plain text. They had to be sent in either code, in which letters are substituted for one another, or, more effectively, cipher, in which numbers are substituted for letters. Making and breaking codes and ciphers became a crucial enterprise for nations. By 1914, the US Army and Navy had set up units, staffed by mathematicians, linguists and crossword puzzle-solvers to intercept and decode enemy messages. After the war had ended in 1918, these units were fused into a cover corporation called the "Code Compilation Company," which moved to new offices on 37th Street and Madison Avenue in New York City. Under the supervision of the famous cryptographer Herbert O Yardley, a team of 20 code-breakers was employed in what was called the "Black Chamber." Yardley arranged for

Western Union, which has the telegraph monopoly in America, to provide the Black Chamber with all the telegrams coming into the United States. "Its far-seeking eyes penetrate the secret conference chambers at Washington, Tokyo, London, Paris, Geneva, Rome," Yardley wrote about the Black Chamber. "Its sensitive ears catch the faintest whispering in the foreign capitals of the world." But in 1929, at the instructions of President Herbert Hoover, Secretary of State Henry Stimson closed the Black Chamber saying famously "Gentlemen should not read each other's mail." The moratorium did not last long. With war looming in Asia and Europe, President Franklin D. Roosevelt reactivated the operation as the Signals Security Agency. It proved its value in breaking the Japanese machine-generated cipher "purple." In June 1942, using deciphered Japanese messages to pinpoint the location of the Japanese fleet at Midway; America's won a decisive naval victory in the Pacific. Germany's Enigma encoding machines, with three encoding wheels, proved more of a challenge. Initially British cryptanalysts led by the brilliant mathematician Alan Turing succeeded in building a rudimentary computer to decipher German messages to its submarines and bombers, but, in 1942, Germany added a fourth set of encoding wheels, escalation what essentially was a battle of machine intelligence. The US Navy then contracted with the National Cash Register Company to build a computing machine capable of breaking the improved Enigma, and, in May 1943, it succeeded. By the time the war ended in 1945, the US had over one hundred giant decryption machines in operation. This unrivalled capability to read the communications of foreign nations, which remained one of America's most closely guarded secrets, was transferred to the Army Security Agency based at Fort Meade, Maryland. Then, on October 24, 1952, President Harry S. Truman, greatly expanded its purview and changed its name to the National Security Agency.

The NSA was given two missions. The first one was protecting the communications of the US government. The main threat to breaching U.S. government channels of communications was the Soviet. The second one was intercepting all the relevant communications and signals of foreign governments. This latter mandate included the governments of allies as well as enemies. The President, the other intelligence services and the Department of Defense deemed what was relevant for national security. Even though the NSA remained part of the Department of Defense, its job went far beyond providing military intelligence. It also acted as a service agency to other American intelligence services. They prepared shopping lists of foreign communications intelligence and the NSA fulfilled them.

As the Cold War heated up in the 1960s, the NSA provided intelligence not only to the Pentagon but to the Department of State, Central Intelligence Agency, the Treasury Department, the Atomic Energy Commission, and the FBI. With a multi-billion dollar "black budget" hidden from public scrutiny, the NSA's technology directorate invested in state-of-the-art equipment, including super computers that could break almost any cipher, antennae mounted on geosynchronous satellites that vacuumed in billions of foreign telephone calls and other exotic capabilities. It also devised stealthy means of breaking into channels that its adversaries believed were secure. This enterprise required not only an army of technical specialists capable of

remotely intercepting even the faintest traces of electromagnetic signals, hacking into computers, and eavesdropping on distant conversations, but using special units, called "tailored access operations," to plant listening devices in embassies and diplomatic pouches. It also organized elaborate expeditions to penetrate cables in enemy territory. In 1971, for example, the NSA had sent a specially-equipped submarine into Russia's Sea of Okhotsk in Asia to tap through Arctic ice. The target was a Russian cable 400 feet below the surface that connected the Russian naval headquarters in Vladivostok with a missile testing range.

In 1980, President Ronald Reagan, gave the NSA a clear mandate to expand its interception of foreign communications. In Executive Order 12333, he told the NSA to use "all means, consistent with applicable Federal law and (this Executive) order, and with full consideration of the rights of United States persons, shall be used to obtain reliable intelligence information to protect the United States and its interests." It did restrict any foreign country, either an adversary or an ally, from its surveillance.

The NSA's target soon became nothing short of the entire electromagnetic spectrum. "We are approaching a time when we will be able to survey almost any point on the earth's surface with some sensor," Admiral Stansfield Turner, the former Director of Central Intelligence wrote in 1985. "We should soon be able to keep track of most of the activities on the surface of the earth." Bobby Ray Inman, a former director of the NSA and deputy director of the CIA, argued that the "vastness of the [American] intelligence 'take' from the Soviet Union, and the pattern of continuity going back years, even decades," greatly diminished the possibility of Soviet deception so long as the NSA kept secret its sources.

The NSA did not rely entirely on its own sensors for this global surveillance. It also formed intelligence-sharing alliances with key allies the most important was with the British code-breaking service, called the Government Communications Headquarters, or GCHQ, which in World War II had achieved enormous success in using computers to crack the German Enigma cipher. This alliance expanded to include Canada, Australia, and New Zealand, in the so-called Five Eyes Alliance. Since over 80 percent of international phone calls and Internet traffic passed through fiber-optic cables in these five countries, the alliance had the capability of monitoring almost all phone and internet communications. .The NSA also established fruitful liaisons with the cyber-services of Germany, France, Spain, Italy, Netherlands, Portugal, Israel, Japan, and South Korea, who often were willing to provide the NSA with access to telecommunications links in their countries. These long-term allies greatly strengthened the NSA's hand in other ways in the intelligence war. For example, the so called "James Bond" provision of the British Intelligence Services Act 1994 allowed officers of the GCHQ to commit illegal acts outside of Brittan including planting devices to intercept data from computer servers, cell phones, and other electronic targets. And, as Snowden's release of documents revealed in 2013 and 2014, these foreign allies fully shared their information with the NSA.

Of course, the liaison between the NSA and its allies was a two way street. In 2013, none of these other countries had a global network of geosynchronous sensors in outer space and under the ocean that could monitor signals from missile launching, submarine, military deployments, nuclear tests and other matters of strategic importance to them. Nor did these allies have the cipher-breaking capabilities of the array of NSA super computers. The NSA had assiduously built these means at a cost of over a half trillion dollars and employed tens of thousands of linguists who could translate almost any dialect or language of interest.

Even though these allies had their own ciphers services and local capabilities they depended on NSA to provide them a large share of their signal intelligence. From the perspective of defending themselves from potential threats, the deal that these allies had with NSA was a mutually-advantageous.

The NSA's overseas intelligence gathering was not limited to adversary nations. With the exception of the Five-Eye allies, it gathered data that was deemed of importance by the President and Defense Department in friendly countries. These operations had been approved by every American President, and funded by every American Congress, since 1941. After all, even in the realm of allies, activities take place that run counter to American interests. The 911 conspiracy, for example, was hatched in Hamburg, Germany and financed in Dubai and Saudi Arabia. Nor were American allies unaware of the reach of the NSA. "Yes, my continental European friends, we have spied on you. And it is true we use computers to sort through data by using keywords," former CIA Director James Woolsey wrote in the *Wall Street Journal* in 2000, "Have you stopped to ask yourselves what we are looking for?" Whether or not it was appreciated by other countries, the global harvesting of communication intelligence by the NSA was hardly secret.

As the NSA expanded further, it delegated part of its work to regional bases, including ones in Utah, Texas, Hawaii and Japan. The paramount task of the NSA remained monitoring the channels of communications that an adversary might use. The vast proliferation of these channels in cyberspace, which included email, social media, document sharing and other innovations of the Internet age, greatly complicated this task. Even so, this challenge was not insurmountable because most of the Internet actually travelled through fiber-glass land-line cables that crossed the territories of the United States, Britain and Australia. So the NSA found the technical means, including voluntary gaining access to major Internet companies, to "harvest" vast amounts of this Internet data. America's other intelligence agencies quickly recognized the value of the communications intelligence gleaned from foreign telecommunications. John E. McLaughlin, who was the CIA's Acting Director in 2004, described the NSA as nothing less than the "very foundation of US intelligence." This service proceeded from the immense amount of foreign data that the NSA vacuumed in through its global sensors. This data allowed the CIA and other US intelligence services a means for verifying the reports of its human sources as well as discovering new targets in adversary nations for further investigation.

By the first decade of the 21st century, the NSA's surreptitious efforts to render the Internet transparent to US intelligence had earned it a new set of enemies. They were the previously-mentioned hacktavists who were attempting to shield the activities of Internet users from the intrusions of government surveillance. They employed both encryption and TOR software to defeat that surveillance.

The NSA was not about to be defeated by the tactics of amateur privacy advocates. It did not conceal that it was intent on countering any attempt to interfere with its surveillance of the Internet. It built back doors into their encryption and worked to unravel the TOR scrambling of their IP addresses. It made leading hacktavists targets. Brian Hale, the spokesman for the Director of National Intelligence, disclosed that the US routinely intercepted the cyber signatures of parties suspected of hacking into US government networks.

Following the 9/11 attack on the Pentagon and World Trade Center, the surveillance of the Internet also became an integral part of Bush' administration's war on terrorism. In October 2001, Congress expanded the NSA's mandate by passing the USA Patriot Act. Section 215 of the act directly authorized the NSA, with the approval of the FISA court, to collect and store domestic telephone billing records. The idea was to better coordinate domestic and foreign intelligence about Al-Qaeda and other jihadist groups. The mantra in government after the 9/11 was to "connect dots." Congress with this back essentially called for demolishing the wall by domestic and foreign intelligence when it came to foreign-directed terrorism. The act effectively made the NSA a partner with the FBI in tracking phone calls made from the phones origination outside the United States by known foreign jihadists. If these calls were made to individuals inside the NSA was now authorized to retrieve the billing records of the person called and those people who he or she called. These traces were then supplied to the FBI. When a *New York Times* expose in 2008 revealing that NSA surveillance has been extended to domestic telephone used, Congress passed the FISA Amendments Act of 2008 explicitly allowing the NSA to continue these practices if it obtained a FISA court order. Congress also sanctioned the NSA's supplying the FBI with the emails and other Internet activity of foreign Jihadists if it was suspected of planning attacks in America. This put the NSA directly in the anti-terrorist business in the United States. It also necessitated the NSA vastly increasing its coverage of the Internet.

The new duties also increased the NSA's need to create new bureaucratic mechanism to monitor its compliance with FISA court orders, Rajesh De, the NSA's General Counsel at the time of the Snowden breach, described the NSA as becoming by 2013 "one of the most regulated enterprises in the world." Grafted onto its intelligence activities were layers of mandated reporting to oversight officials. Not only did the NSA have its own chief compliance officer, chief privacy and civil liberties officer, and independent inspector general but the NSA also had to report to a difference set of compliance officers at the Department of Defense the Office of National intelligence and the Department of Justice On top of reporting to those officials, the Department of Justice dispatched a team of lawyers every 60 days to review the results of "every

single tasking decision" approved by the FISA court. According to Rajesh De, just assembling these reports involved thousands of hours of manpower. In addition, the President's Oversight Board required that NSA's Office of the General Counsel and Inspector General supply it every 90 days with a list of every single error made by every NSA employee anywhere in the world deviating from procedures, including even minor typing errors. These requirements, according to De, inundated a large part of the NSA legal and executive staff in a sea of red tape. Yet, this regulation could not undo surveillance programs such as the one Snowden revealed of Verizon turning over the billing records of its custumers to the NSA, because the NSA was in compliance with the FISA court order (even though, as it turned out in 2015, the FISA court may have erred in interpreting the law.)

The NSA's focus on surveillance may have led to the neglect of its second mission: protecting the integrity of the channels through which the White House, government agencies and military units send information. This task had been made vastly more difficult by the proliferation of computer networks, texting and emails in the 21st century. To protect against cyber attacks against government networks, the Pentagon belatedly created the Cyber Command in 2009. In it, the cyber defense units of the Army, Navy, Marines, and Air Force cyber forces, were merged together in this new command put under the command of the NSA director. NSA director Keith Alexander became the first director of this new command. One problem for the Cyber command was separating attacks by civilians, including criminals, hacktavists and anarchists, from cyber warfare sponsored and supported by adversary states. Since foreign intelligence services often closely imitated the tools of civilian hackers, and were even known to provide them with hacking tools. Even for the Cyber Command, it was not easy challenge to unambiguously determine if the ultimate perpetrator of a cyber attacks was state-sponsored. For example, the identification of North Korea as the principal actor behind the attack on Sony in December 2014 appeared to be a rare success, but many cyber-security experts believed that it might be a false trail used to hide the real attacker. The problem here was that clues can be fabricated in cyber space to point to the wrong party.

The job of the Cyber command was to prevent such an attack. To this end, it planted viruses on hundreds of thousands of computers in private hands to act as sentinels to spot other suspicious viruses that could mount such an attack. So private computers became a new battleground in the cyber was. It also built a capability to retaliate. The problem was that, unlike incoming missiles, cyber attacks which were launched through layers of other country's computers could not be unambiguously traced back to the true perpetrator.

This escalation by the Cyber Command set the stage for expanded forms of warfare in Cyber space. "The Chinese are viewed as the source of a great many attacks on western infrastructure and just recently, the U.S. electrical grid," General Alexander said in explaining the need for this consolidation. "If that is determined to be an organized attack, I would want to go and take down the source of those attacks." The same retaliation would presumably be used against Russia, Iran or any other adversary. Dominance of cyber space itself now became part of the NSA's mandate.

Even so, the most important job of the NSA remained intercepting secret information from Russia, China, Iran, and North Korea. To this end, it had an annual budget of $12.3 billion and some 35,000 military and civilian employees. In 2012, James Clapper, Jr., the Director of

National Intelligence justified the secret intelligence budget by saying in an open session of Congress, "We are bolstering our support for clandestine SIGINT [signal intelligence] capabilities to collect against high priority targets, including foreign leadership targets," and to develop "groundbreaking cryptanalytic capabilities to defeat adversarial cryptography and exploit Internet traffic." It was no secret, even before Snowden, that the NSA was engaged with monitoring the Internet.

Through all this tumult the heart of the NSA's activity remained its 5,000 acre base at Fort George G. Meade, Maryland. It commanded the most powerful mechanism for intercepting communications that the world had ever seen. No other country came close to its technology for intercepting information. The NSA was not only able to intercept secret information from these potential adversaries, but it also, at least not until the Snowden breach, managed to conceal these means from them. As long as these adversaries remained blind to the ways in which its communications were being intercepted, deciphered and read by the NSA, they could not take effective countermeasures. Consequently, he NSA had the capability to provide the President and his advisers with continuous insights into the thinking and planning of potential enemies.

Keeping its sources and methods secrets was no easy task. The NSA's technicians had to deal with continuous technical challenges to provide a seamless harvesting of data from a wide range of communication devices, including telephones, computers and the Internet. It required continuous intra-agency communications between the NSA's own intelligence officers and a growing number of civilian technicians. It even had its own "Wiki-style" network through which they could discuss problems, called the NSANet. As it could not tightly control access to this technical network, it expunged any mention of the sources and methods from the material circulated on the classified NSA network. Instead, it stored them in discrete computers, called compartments that were disconnected from other computers at the NSA. These compartments could only be accessed by a limited number of analysts and NSA executives who had a need to know about the data they contained. These compartments were the final line of defense against an inside intruder.

In 2009, Snowden found his way into the NSA through a temporary job with an outside contractor that had a contract with the NSA's Technology Directorate to repair and update it back-up system. Four years later, by maneuvering to get hired by another outside contractor with access to the NSA's sources and methods, he was able to steal secrets stored in isolated computers bearing directly on the ongoing intelligence war. Snowden also copied from these compartments in a matter of weeks, as has been previously mentioned, the NSA's Level 3 sources and methods used against Russia, Iran and China. The Snowden breach demonstrated that the NSA's envelope of secrecy was at best illusory.

After this immense loss, the NSA's sources inside these adversary countries were largely compromised even if they were not closed down. Once these adversaries were in a position to know what channels the NSA was intercepting, they could use these same channels to mislead US

intelligence. A former top intelligence official told me "The queen on our chessboard had been taken."

To be sure, even after the loss of its "queen," the game was not lost. The NSA moved to mitigate the damage and find new ways of obtaining unexpected intelligence. In June 2014, the new NSA director Admiral Michael Rogers had to confront flagging morale that, according to former director Michael Hayden, was near-paralyzing the intelligence service. Admiral Rogers recognized that as a direct result of the Snowden breach "the nation has lost capabilities against adversaries right now who are attempting to actively undermine us." But even with that loss, he observed "the sky has not fallen." As in the Chicken Little fable he cited, the world had not ended for the NSA. Nor had it ended for the multi-billion out-sourcing enterprise it superintended. The NSA may have lost many of its sources, or "capabilities," but Rogers held out hope that new sources could be eventually found to replace them. Compromised codes, after all, could be changed. New technological methods could be devised. New vulnerabilities also could be targeted in enemy territories. Although repairing the damage might take many "decades." according to Michael McConnell, the Vice Chairman of Booz Allen, the new director had to get on with that task. McConnell, a former NSA director himself, pointed out that the NSA Director's "first responsibility is to be the chief cheerleader." Rebuilding the NSA capabilities assumed, however, that there would not be another Snowden-size breach.

The question remained: how could the NSA's vaunted secrecy have been so deeply penetrated by a mere analyst-in-training at a regional base in Oahu? The perpetrator himself could not be asked. He was in Moscow, supposedly employed by an unnamed Russian cyber security firm. He was also in his Moscow interviews pointing to the "incompetence" of the NSA. All that was known for certain about the young man who had taken the "queen" from the board was that he had gained entry to the NSA's secret chambers through the back door, a portal opened to him by the NSA's reliance on outside contractors.

CHAPTER TWENTY

The NSA's Back Door

"You have private for-profit companies doing inherently governmental work like targeted espionage, surveillance, compromising foreign systems. And there's very little oversight, there's very little review."

- Edward Snowden, explaining his access to the NSA in Moscow, 2014

Prior to Snowden's theft of NSA documents, the single most shattering blow to the confidence of the US intelligence community was the exposure of Aldrich Ames as a long-serving Russian mole in the CIA in 1994. Ames, it will be recalled, had been a high-ranking CIA officer. He had even worked at the CIA's Counterintelligence Center Analysis Group before he was arrested by the FBI. He had also worked as a mole for Russian intelligence. (His recruitment by the KGB will be further discussed in Chapter twenty-seven.)

In a plea bargain to avoid the death sentence, he admitted that he had successfully burrowed into the CIA for over nine years on behalf of the KGB. His description of his *sub rosa* activities as a mole was part of the plea bargain. He was sentenced to life imprisonment. This stunning revelation shook the CIA leadership to its core. Up until then, as mentioned earlier, CIA executives steadfastly denied that it was possible that the KGB could sustain a mole in American intelligence. The Ames arrest also led the NSA to reassess its own vulnerability to penetration. Could there be an Ames inside the NSA?

The question was considered by the NSA's National Threats Operations Center, the same unit from which Edward Snowden later stole a huge trove of secret documents. According to a report in 1996 entitled "Out of Control" (later released by the NSA), the danger of an Ames-type penetration could not be excluded. Even though the "threat officer" who wrote this report was not identified by name, his analysis proved incredibly prescient. He said that the NSA's drive to enhance its performance by networking its computers would result in the intelligence services, putting "all their classified information 'eggs' into one very precarious basket." The basket was the computer networks run by technicians called: system administrators." He pointed out that the NSA was becoming increasingly dependent on such networked computer systems, and he predicted that the NSA's "Aldrich Ames." As he put it, would be a "system administrator"—which was the position that Edward Snowden held nearly two decades later at Dell when he began stealing secrets.

The NSA's system administrators were, as the threat officer pointed out, very different from the traditional military employees at the NSA. They were usually civilians, who effectively served as repair-men for complex computer systems at the NSA. Moreover, many of them had not been directly hired by the NSA. Instead, their recruitment had been privatized to outside contractors.

This outsourcing had deep roots tracing back to the Second World War Ed Booz, the founder of Booz Allen Hamilton, obtained contracts to help manage ship construction from the US Navy. After the war ended he sought contracts for his firm in classified work. These contracts grew in size as the NSA needed more and more system administrators and other information technologists to manage the computer networks. These system administrators needed to be given special privileges to do their service job. One such privilege allowed them to bypass password protection. Another privilege allowed then to temporarily transfer data to an external storage device while they repaired computers. These two privileges greatly increased the risk of a massive breach. Seeing them as the weak link if the chain, the threat officer wrote in the report that "system administrators are likely to be increasingly targeted by foreign intelligence services because of their special access to information."

Before the computerization of the NSA, the threat officer noted that code clerks and other low-level NSA communicators had been the target of adversary intelligence services. But the increasing reliance on computer technicians presented foreign intelligence services with much richer targets. He predicted that they would adapt their recruiting to this new reality. Specifically, he argued that adversary intelligence services would now focus their attention on system administrators. "With system administrators," he said, "the situation is potentially much worse than it has ever been with communicators." The reason: "System administrators can so easily, and quickly, steal vast quantities of information."

He further suggested that since system administrators are often drawn from counterculture of hacking, they are more likely to be vulnerable to an adversary service using a fake identity for its approach, or a "false flag." A "false flag" was a term originally applied to pirate ship that temporarily hoisted any flag that would allow it to gain close proximity to its intended prey but it modern times describes a technique employed by espionage service to surreptitiously lure a prospect. As will be more fully discussed in the next chapter, false flags were a staple used by the KGB in espionage recruitments during the Cold War. They were usually employed when a target for recruitment was not ideologically disposed to assisting the intelligence service. To overcome that problem, recruiters hide their true identities and adopt a more sympathetic bogus one. In 1973, for example, the KGB, working through one of its agents in the US Navy, used the false flag of Israel, to recruit Jerry Alfred Whitworth, who served as a communications officer with a top secret clearance for the Navy. Like many other KGB recruits, Whitworth came from a broken family, dropped out of a high school, took technical courses and got a job as a communications officer. He was not disposed to working for Russia. But he was willing to steal enciphered and plain text cables to help in the defense of Israel. After he was thoroughly compromised by his espionage work, he was told by the KGB recruiter that he was actually working for Russia, but, by this time, he was too deeply compromised to quit. He continued his

espionage work for another 8 years. (Whitworth, who was arrested by the FBI in 1985, was convicted of espionage and sentenced to 365 years in prison.)

The Internet provided an almost ideal environment for false flags since its users commonly adopt aliases, screen names, and other avatars. The threat officer explained how easy it would be for the KGB to adapt such a false flag when dealing with a dissident system administrator working for US intelligence. As the threat officer pointed out in his report, the KGB had used false flags in the late 1980s to surreptitiously recruit members of the "German Hanover Hackers," a community of anarchistic hackers who breached computer networks for fun and profit. Up until then, these hacktavists stole corporate and private passwords, credit card information, and other privileged documents as a form of freelance espionage. Because of their fervent anti-authority ideology, the KGB disguised its recruiters as fellow hacktavists. The KGB succeeded in getting the Hanover hackers to steal log-in account identifications, source codes and other information from U.S. government computer networks.

The precise vulnerability that this threat officer pointed out in 1996 was system administrators. This weak link became increasingly relevant as the NSA moved further into the digital age. By the beginning of the 21st century, its growing networks of computers were largely run by civilian technicians, including system administrators, infrastructure analysts, and information technologists, who were need to keep the system running. Despite the warning by the threat officer, the NSA became more reliant on these outsiders as it reorganized to meet its new mandates for surveillance of the Internet in the war on terrorism. Since the NSA had to compete with technology companies, such as Google, Apple and Facebook, for the services of experienced IT workers, it used private contractors to find them. They, in turn, recruited civilian technicians from many unconventional areas, including the hacking culture. Ex-hackers, who lacked (or shunned) employment opportunities in the corporate sector, were suitable candidates for the system administrator jobs that these films had contracted to supply the NSA. In the rush to expand, little heed was paid to the 1996 warning that this hacking culture might provide a portal to anti-government hacktavist groups. The NSA became so enamored with this new technology that it neglected the security implications of employing outsiders, "All of us just fell in love with the ease and convenience and scale [of electronic storage]", Michael Hayden, who headed the NSA at the time, said to the *Wall Street Journal* in 2015. "So we decided to take things we used to keep if not in a safe, at least in our desk drawer, and put it up here [in a computer network], where it's by definition more vulnerable." Making matters even worse, as has been previously discussed, the NSA stripped away much of the so-called stove-piping that insulated highly-sensitive data from the NSA's other computer networks. Here they were merely following the recommendations of the 9/11 Commission to make their data more accessible to other agencies concerned with potential terrorist attacks. As a result, the inner sanctum of the NSA became more opened to its new army of civilian technicians.

The universe of independent contractors was governed by very different forces than that of intelligence services. By 2013, much of the job of managing the NSA's classified computers had been handed over to five private companies: Booz Allen Hamilton, which handled the most highly secret work; and Dell SecureWorks, Microsoft, Raytheon, and IBM. In many respects, these five

companies acted less like management consultants and more like temporary employment agencies in finding for the NSA the computer specialists, who had the necessary security clearances. Unlike intelligence services, their fate depended on turning profits. Since the value of their contracts was largely limited by competitive bidding, their business plans were predicated on their ability to minimize the costs of fulfilling these contracts. Their principal cost was the salaries they paid their independent contractors. Their business plans therefore depended on finding large numbers of computer technicians in the private realm willing to work at a NSA base at relatively-low wages. This task became more difficult as many potential recruits could find higher paying employment with more of a future in the burgeoning private sphere. They could also increase their revenue streams by getting additional contracts which, in turn, meant recruiting even more workers. It was hardly a business plan which could afford to give priority to quality control. In the private sector, there is usually an unambiguous external measure of failure. For example, for an automobile company such as General Motors can measure the performance of its executive by reckoning it change in net income. With secret intelligence work, the metrics for failure are far less clear. This curious aspect of secret work was part of the advice given to White House lawyer in the Obama Administration seeking a position with the NSA in 2012, He was advised that among the advantages of working for a super-secret agency was that if one errs or has a failure. "It stays secret." He later found out in the Snowden case which exploded during his tenure at the NSA, that not all failures stay secret.

Even so, the NSA cannot always find convenient metrics to measures its own failures. For example, it can quantify the amount of data it is intercepting, it cannot count the intelligence it misses. There is no getting around the *a priori* proposition in the intelligence game: "what is successfully hidden is never found." But there is a failure that cannot be hidden: a security breach in which a perpetrator uses NSA data to publically expose the NSA's sources. Up until the Snowden breach in 2013, the NSA had had experienced only one such a public failure. It was the capture by North Korea in 1968 of the USS Pueblo, which had been carrying out highly-sensitive electronic communications interception for the NSA. Because the Pueblo crew failed to destroy the NSA's encoding machines, which several days were flown to Russia. The stakes were so high that the Pentagon even considered using nuclear weapons to limit the damage of the seizure. The Snowden breach was much worse because, among the thousands of documents he stole, he selected lists of the NSA's secret sources in adversary nations. Making matters worse, the Snowden breach was a failure that directly traced back to Booz Allen Hamilton, the NSA's largest contractor.

Such a failure calls into question the vexing issue of privatizing secret intelligence. Booz Allen, like all other outside contractors, was in the business to make money. Indeed, it had found government contracts so much more profitable than its work in the private sector that it sold its private sector unit to Price Waterhouse. The profitability of government work led the Carlyle group's hedge fund to acquire a controlling stake in Booz Allen in July 2008. By 2013, it had increased its revenue by $1.3 billion by expanding its government contracts. Even more

impressive, its operating margin on these contracts had doubled. As it turned out, it did not achieve these profits by increasing its core internal staff. In 2008, it had 22,000 employees on its internal staff, and in 2013, it had roughly the same number on its internal staff. What it expanded was the number of outside contractors it employed. It added in these five years, by one Wall Street analyst's calculation, some 8,000 new external workers. They were employed as system administrators, infrastructure analysts, computer security specialists and other "geek squad" jobs at the NSA and other government agencies. Their main qualification was their prior secrecy clearances (which saved Booz Allen the expense of vetting them and also the loss income while waiting many months for a clearance.) Snowden therefore was highly-desirable from an economic point of view for Booz Allen. Even though he had no prior experience as an infrastructure analyst, and he had been detected being untruthful about his degree in computer sciences, he not only had a SCI secrecy clearance, but he was willing to take a cut in pay. In keeping with the Booz Allen business plan, such a recruit would provide another cog in its profit machine.

Not only had the NSA outsourced much of its computer operations to private companies but the Clinton Administration in 1996 had privatized background checks for government employees requiring security clearances. The idea backed by Vice President Al Gore was to reduce the size of the Federal government by outsourcing investigating the backgrounds of millions of government applicants for jobs. The task had been previously been performed by FBI but it was assumed that a profit-making business could do it faster and more efficiently. The private company named United States Investigative Services (USIS) was purchased in 2007 for $1.5 billion by Providence Equity Partners, a rapidly-expanding investment firm founded only four years earlier by graduates of Brown University and the Harvard Business School. So like Booz Allen, USIS was backed by a hedge-fund determined to make money by systematically cutting the cost of a previously government service. But such outsourcing had drawbacks. For one thing, unlike the FBI, USIS lacked the investigative clout to gain entry to other the CIA and other government agencies. For example, when it did the background check on Snowden in 2011, it could not get access to his CIA file. As will be recalled, there was a "derog" in his file that might have set off alarm bells. But because of its lack of access to the CIA, USIS did not learn about the derogatory reports in Snowden's CIA file. Nor did it learn that he had been threatened by an internal investigation of his alleged computer tampering in 2009. The FBI, with its long standing liaisons with the CIA, might have learned this about Snowden if it had done his background check.

To be sure, the profit calculus might have worked better if it had been coupled with adequate oversight. But without such oversight, it proved to be a barrier to extended investigations of applicants. As it turned out, USIS closed cases and cleared applicants without completing an adequate investigation. According to a US government suit filed in 2014, USIS had prematurely closed over 665,000 investigations in order to get more quickly paid for them. Since the more cases it completes each month, the more money it receives from the government, the law suit

alleged that USIS employees often "flushed," or ended cases before completing a full investigation, to meet corporate-imposed quotas for getting bonuses. One employee said in an email cited in the government's complaint "Flushed everything like a dead goldfish." As a result, some of information specialists entering the NSA through the back door of outside contractors were not fully vetted. (On August 20, 2015 USIS agreed to forfeit $30 million in fees to settle the law suit.)

USIS was also opened to sophisticated hacking attacks by outsiders. For example, in August 2014, the Department of Homeland Security's counterintelligence unit discovered such a massive and persistent breach in USIS that it shut down its entire exchange of data with USIS. The intrusion into USIS records in this case was attributed to hackers in China most likely linked to the Chinese intelligence service. Such massive intrusions dated back to 2011. USIS' lack of security in its website left a gaping hole through which outside parties, including Chinese and Russian hackers, could learn both the identity and background of information specialists applying for jobs at the NSA.

These private companies had one further security weakness. They did sufficiently protect the personal data of their off-premise employees working at the NSA. Consider, for example, the successful 2011 attack on the Booz Allen Hamilton servers. The previously-mentioned hackers' group "Anonymous" took credit for it. It not only breached the security of Booz Allen servers but cracked the algorithms it used to protect its employees. It next injected so-called Trojan-horse viruses and other malicious codes on Booz Allen servers that allowed it to have future entry. Presumably, if amateur hackers such as Anonymous could break into the computers of the NSA's largest contractor, so could the state espionage services with far more advanced hacking tools such as those of Russia and China. From these sites, an adversary intelligence service could obtain all the job applications and personal resumes submitted to contractors such as Booz Allen. It could then compile a list of the candidates looking to work at the NSA.

These deficiencies in the private sector were compounded by the failure of security in the government's own Office of Personnel Management. It used a computer system called E-QIP in which intelligence employees with security clearances, including outside contractors, updated their computerized records to maintain or upgrade their security clearances. For example, Snowden updated his clearance in 2011. To do so, these employees constantly updated their financial and personal information. As it turned out, there was a major hole in the E-QIP system. It was repeatedly hacked since 2010 by unknown parties. In 2015, the US government told Congress that China was most likely responsible but Russia and other nations with sophisticated cyber services could have also participated in the hacking. In any case, the records of over 19 million employees, including intelligence workers, became available to a hostile intelligence service. This breach would allow hostile services a great deal of information about independent contractors working at the NSA. They could then use this data to follow the movements of movement of any of these intelligence workers they deemed of interest.

Despite all the potential flaws in it, the outsourcing system, ii seemed to work until 2013. It even featured a revolving door through which Booz Allen, for example, hired retiring executives from the intelligence services, such as ex-NSA director Michael McConnell, R. James Woolsey, a former director of CIA, and Lieutenant General James Clapper (ret), who later served as Director of National Intelligence.

The cozy relationship between the private firms and the NSA notwithstanding, the NSA leadership was unaware that outsourcing could create a security problem. As far back as 2005, Michael Hayden, then the departing head of the NSA, had been warned of one such vulnerability in a memorandum written by a counter-intelligence officer at the NSA. Like the earlier 1995 report by the threat officer, this memorandum noted the NSA had ceded responsibility for managing its secret systems to outsiders, and warned that the NSA's reliance on them to manage its computers had opened a back-door into the NSA. In addition, it warned that once an outside contractor managed to slip in through this back door, he could easily jump from one outsourcer to another. This was what Snowden did when he moved from Dell to Booz Allen Hamilton in 2013.

Despite its security flaws, outsourcing provided a number of advantages to the NSA. For one thing, it provided a means for circumventing the budget restrictions imposed by Congress on hiring new employees. In addition, since private companies had less-rigid hiring standards, it greatly expanded the pool of young system administrators by tapping into computer cultures that would be antagonistic to working directly for the government. Finally, it used less NSA resources. Since these information technologists were only temporary employees, they were not entitled to military pensions, medical leave and other benefits. It was a system which effectively replaced military careerists with free-lancers.

The irony of the situation was that the NSA had surrounded its front doors with rings of barbwire, close-circuit cameras, and armed guards, but for reasons of economy, bureaucratic restrictions and convenience, it had left the back door of outsourcing opened to temporary employees of private companies. To be sure, it might take some time for them to gain entry to its inner sanctum. "It was not a question of if but when one of the contractors would go rogue," the former NSA executive who wrote the memorandum told me. Snowden answered that question in 2013 by stealing a vast number of files while working for both Dell and Booz Allen. Even more extraordinary than the theft itself was the reaction to it by the NSA. It turned out that there was not cost of failure levied against the outside contractor, Booz Allen, which employed Snowden when he bypassed its security regime to steal the keys to the kingdom. Even though the counterintelligence investigation showed Snowden stole documents from compartments to which he did not have access, the NSA did not penalize his employer, Booz Allen, even though the NSA was set back for decades according even to Michael McConnell, the vice chairman of Booz Allen. Instead, its revenues and profits from government contracts markedly increase between 2013 and 2015.

Nor did the NSA alter its reliance on private contractors. The Snowden breach notwithstanding, the back door to the NSA remained wide opened because by the time of Snowden outsourcing to private companies had become an all but irreplaceable part of the intelligence system in America.

CHAPTER TWENTY-ONE

The Russians Are Coming

"The breakup of the Soviet Union was the greatest geopolitical tragedy of the 20th century."—Vladimir Putin

In the first invasion of a European country since the end of the Cold War, Russian military forces moved into the Crimea and other parts of Eastern Ukraine in February and March of 2014. Unlike with previous Russian troop movements, such as those into Poland, Hungary, Czechoslovakia and Eastern Germany during the Cold War, the week-long massing of Russian elite troops and sophisticated equipment for the move into Ukraine almost totally evaded detection by the NSA's surveillance. It failed to pick up tell-tale signs of the impending invasion. Never before had the NSA's multibillion dollar armada of sensors and other apparatus for intercepting signals missed such a massive military operation. According to a report in the *Wall Street Journal* that cited Pentagon sources, Russian units had managed to hide all electronic traces of its elaborate preparations. If so, after more than a half-century of attempted penetrations, Russia apparently had found a means of stymieing the interception capabilities of the NSA.

While American political scientists wrote optimistically about the end of history, Putin had his own ideas about restoring Russia's power in the post-Cold War. A formidable KGB officer before he became President of the Russian Federation in 2000, he made no secret that his goal was to prevent the United States from obtaining what he termed "global hegemony." His logic was clear. He judged the break-up of the Soviet Union in 1991 to be as, as he put it, "a geopolitical tragedy." He argued that the break-up had provided the United States with the means to become the singular dominant power in the world. He sought to prevent that feared outcome by moving aggressively to redress this loss of Russian power. He upgraded Russia's nuclear force, modernized Russia's elite military units and greatly strengthened Russia's relations with China. The last measure was essential since China was Russia's principle ally in opposing the extension of American dominance. Yet, there was still an immense gap between it and the United States in communications intelligence.

Since the break-up of the Soviet Union, the NSA had continued to build up its technologically capabilities while those of Russia, which teetered on the edge of collapse in the early 1990s. But the NSA also had its problems. As previously mentioned, the NSA's legal mandate had been limited by Congress to foreign interceptions (at least prior to 9/11 in 2001.) As a result, it was required to separate out domestic from foreign surveillance, a massive process which was not only time-consuming but could generate dissidence within the ranks of American intelligence. It also could not legally use its surveillance machinery to monitor the telephones and Internet activities of the tens of thousands of civilian contractors who ran its computer networks—at least not unless the FBI began an investigation into them. Here the Russian intelligence services had a clear advantage. They had a lawful mandate to intercept any and all domestic communications, In fact, a compulsory surveillance system called by its Russian acronym SORM had been incorporated into Russian law in 1995. It requires the FSB and seven other Russian security agencies to monitor all forms of domestic communications including

telephones (SORM 1), emails and other Internet activity (SORM-2), and computer data storage of billing information (SORM-3). Not only did Russia run a nationwide system of Internet-filtering in 2013, but it requires their telecommunication companies furnish to it worldwide data.

The NSA also had to deal with many peripheral issues other than the activities of Russia and China. It was charged with monitoring everything from nuclear proliferation in Iran, Pakistan, and North Korea, to potential jihadist threats everywhere in the world. The Russian intelligence service, on the other hand, could put its limited resources to work on redressing the gap with its main enemy: the United States.

Nevertheless, Putin had to reckon with the reality in 2013 that Russia could not compete with the NSA in the business of intercepting communications. And if the NSA could listen in on all the internal activities of its spy agencies and security regime, the ability of Putin to use covert means to achieve his other global ambitions would be impaired. In the Cold Peace that replaced the Cold War, Russia had little hope of realizing these ambitions unless it could weaken the NSA's iron-tight grip on global communications intelligence. One way to remedy the imbalance between Russian intelligence and the NSA was via espionage. Here the SVR would be the instrument and the immediate objective would be to acquire the NSA's lists of its sources in Russia. If successful, it would be a game changer.

Such an ambitious penetration of the NSA, to be sure, was a tall order for Russian intelligence. Most of its moles recruited in the NSA by the KGB, had been code clerks, guards, translators, and low-level analysts. They provided documents about the NSA's cipher-breaking, but they lacked access to these lists of the NSA's sources and methods

These meager results did not inhibit Russian efforts. Yet, for almost seven decades, ever since the inception of the NSA in 1952, the Russian Intelligence service had engaged in a covert war with the NSA. The Russian intelligence service is, as far as is known, the only intelligence service in the world that ever succeeded in penetrating the NSA. A number of NSA employees also defected to Moscow. The history of this venerable enterprise is instructive.

The first two defectors in the NSA's history were William Martin and Bernon Mitchell. They were mathematicians working on the NSA's decryption machines who went to Moscow via Cuba in 1960. The Russian intelligence service, then called the KGB, went to great lengths to publicize their defections. It even organized a 90-minute long press conference for them on September 6, 1960 at the Hall of Journalists and invited to it all the foreign correspondents in Moscow. Before television cameras, the defectors proceeded to denounce the NSA's activities. Martin told how the NSA breached international laws by spying on Germany, Britain and other NATO allies. Mitchell, for his part, suggested that the NSA's practice of breaking international laws could ignite a nuclear war. Indeed, he justified their joint defection to Russia in heroic whistle-blowing terms, saying, "We would attempt to crawl to the moon if we thought it would lessen the threat of an atomic war." The NSA historian assessed little damage had been done since the NSA quickly could change the codes they compromised. He noted: "The Communist spymasters would

undoubtedly have preferred Martin and Mitchell to remain in place as moles, since their information was dated as of the moment they left NSA."

The next NSA defector was Victor Norris Hamilton. He was a translator and analyst at the NSA. He arrived in Moscow in 1962 and, like Mitchell and Martin, he claimed the status of a whistle-blower. This time KGB provided a newspaper platform. Writing in the Russian newspaper *Izvestia*, Hamilton revealed the extent of US spying on its allies in the Middle East.

None of these three 1960s defectors revealed what, if any, NSA secret documents that they had compromised. Nor did any of them ever return to the United States. Martin changed his name to Vladimir Sokolodsky, married a Russian woman, and died in Mexico City on January 17, 1987. Mitchell vanished from sight and was reported to have died in St. Petersburg on November 12, 2001. Hamilton, after telling Russian authorities stories about hearing voices in his head because of a NSA device implanted in his brain, was consigned to Special Psychiatric Hospital No. 5 outside of Moscow.

There were also KGB spies in the NSA who were caught or died before they could defect. One of them was Sgt. Jack Dunlap. He was found dead of carbon monoxide poisoning in his garage on July 23, 1963. Although there was no note, his death was ruled an apparent suicide. NSA classified documents later was discovered in his house. After that, NSA investigators unraveled his decade-long career as a KGB mole. Dunlap had been recruited by the KGB in Turkey in 1952. The standard KGB tool kit for recruitment was called MICE. It stood for Money, Ideology, Compromise and Exploitation. The KGB used the first element, money, to compromise Dunlap. After he was compromised, it exploited him by getting him to steal NSA secrets. He had access to such secrets because he became the personal driver first to Major General Garrison Coverdale, the chief of staff of the NSA. After Coverdale retired, he next became the driver for his successor, General Thomas Wattlington. These positions afforded him a secrecy clearance and, even more important, a "no inspection" status for the commanding General's cars that he drove. This perk allowed him to leave the base with secret documents, have them photocopied by his KGB case officer, and then return them to the files at the NSA base before anyone else knew they were missing. He also used, likely at the suggestion of the KGB case officers, his "no inspection" perk to offer other NSA employees a way of earning money. He would smuggle off the base any items of government property off the base that they took. Once he had compromised them through thefts, he was in a position ask them for intelligence favors. This NSA ring could not be fully investigated because of his untimely death. Other than the packets of undelivered NSA documents found in his home, the investigation was never able to assess the total extent of the KGB penetration of NSA secrets. (Angleton suspected Dunlap was murdered the KGB, in what he termed a surreptitiously assisted death, to prevent Dunlap from talking to investigators.)

The Russian intelligence services continued recruiting mercenary spies in the NSA for the duration of the Cold War. The KGB successes included Robert Lipka, a clerk at the NSA in the

mid 1960s, who was caught in a sting operation by the FBI and sentenced to 18 years in a federal prison. Ronald Pelton, an NSA analyst, was recruited after he retired from the NSA. After he was betrayed by a KGB double agent in 1985, was sentenced to life imprisonment, Finally, there was David Sheldon Boone, a NSA code clerk, who between 1988 and 1992, provided the KGB with NSA documents in return for $60,000. Boone, sentenced to 24 years in prison, was the last known KGB recruitment of the Cold War.

During the Cold War, Russian Intelligence Service officers operated mainly under the cover of the embassies, consulates, United Nations delegations and other diplomatic missions of the Soviet Union. As "diplomats," they were protected from arrest by the terms of the 1961 Vienna Convention on Diplomatic Relations. Their diplomatic cover greatly limited, however, their universe for finding potential recruits outside of their universe of international meetings, diplomatic receptions, UN organizations, scientific conferences and cultural exchanges. They therefore tended to recruit their counterparts in adversary services.

In this regard, the successful entrapment of Harold Nicholson in the 1990s is highly instructive. From his impressive record, he seemed an unlikely candidate for recruitment. He had been a super-patriotic American who had served as a captain in Army intelligence before joining the CIA in 1980. In the CIA, he had an unblemished record as a career officer, serving as a station chief in Eastern Europe and then the deputy chief of operation in Malaysia in 1992. Even though his career was on the rise and he was a dedicated anti-Communist, he became a target for SVR when he was assigned to the CIA's elite Russian division. Since the job of this division was to recruit Russian officials working abroad as diplomats, engineers and military officers, its operations brought its officers in close contact with SVR officers. Nicholson therefore was required to meet with Russian intelligence officers in Manila, Bucharest, Tokyo and Bangkok and "dangle" himself to the SVR by pretending disloyalty to the CIA. As part of these deception operations, he supplied the Russians with tidbits of CIA secrets, or "chickenfeed," that had been approved by his superiors at the CIA. What his CIA superiors did not fully take into account in this spy versus spy game was the SVR's ability to manipulate, compromise, and convert a "dangle" to its own ends. As it turned out, Russian intelligence had been assembling a psychological profile on Nicholson since the late 1980s, and found vulnerability: his resentment at the failure of his superiors to recognize his achievements in intelligence. It played on this vulnerability to compromise him and then converted him to becoming its mole inside the CIA. He worked for the SVR first in Asia then at the CIA headquarters at Langley, where he was given a management position. Among other secret documents, he provided the SVR with the identities of CIA officers sent to the CIA's special training school at Fort Peary, Virginia, which opened up the door for the SVR to make other potential recruitments. Meanwhile, it paid him $300,000 before he was finally arrested by the FBI in November 1996. (After his conviction for espionage, he was sentenced to 23 years in Federal prison.) The CIA post mortem on Nicholson, who was the highest-ranking CIA officer ever recruited (as far as is known), made clear that even a loyal American, with no intention of betraying the United States, could be entrapped in the spy game.

When it comes to recruiting moles in a larger universe, intelligence services operate much like highly-specialized corporate "headhunters," as James Jesus Angleton described the process to me during the Cold War era. He was referring to the similar approach that corporate human resource divisions had with espionage agencies. Both "head hunt" by searching through a database of possible candidates for possible recruits to fill specific positions. Both type organizations have at their disposal researchers to draw up rosters of potential recruits. Both sort through available data bases to determine which of the names on the list have attributes that might qualify, or disqualify, them for a recruitment pitch. Both also collect personal data on each qualified candidate, including any indication of their ideological leaning, political; affiliations, financial standing, ambitions, and vanities, to help them make a tempting offer. But there are two important differences. First, unlike their counterparts in the private sectors, espionage headhunters ask their candidates not only to take on a new job with them but to keep their employment secret from their present employer. Second, they ask them to surreptitiously steal documents from him. Since they are asking candidates to break the law, espionage services, unlike their corporate counterparts in headhunting, obviously need to initially hide from the candidate the dangerous nature of the work they will do. Depending on the preferences of the targeted recruit, they might disguise the task as a heroic act, such as righting an injustice, exposing an illegal government activity, countering a regime of tyranny, or some other noble purpose. This disguise is called in the parlance of the trade a "false flag." By using such a false flag, the SVR did not need to find candidate who were sympathy to Russia, or the Putin regime. In its long history dating back to the era of the Czars, Russian intelligence had perfected the technique of false flag recruitment through which it assumes an identity to fit the ideological bent of a potential recruit.

Russian intelligence was well-experienced with false flags. It first used this technique following the Bolshevik revolution in 1918 to control dissidents both at home and abroad. The centerpiece, as later analyzed by the CIA, was known as the "Trust" deception. It began in August 1921 when a high-ranking official of the Communist regime in Russia named Aleksandr Yakushev, slipped away from a Soviet trade delegation in Estonia and sought out a leading anti-Communist exile he had known before the revolution in Russia. He then told him that he represented a group of disillusioned officials in Russia that included key members of the secret police, army, and interior ministry. Yakushev said that they all had come to the same conclusion: the Communist experiment in Russia had totally failed and needed to be replaced. To effect this regime change, they had formed an underground organization code-named the "Trust" because the cover for their conspiratorial activities was the Moscow headquarters of the Municipal Credit Association, which was a trust company. According to Yakushev's account, it had had become by 1921 the equivalent of a de facto government,

The exile leader in Estonia reported this astonishing news to British intelligence which, along with French and American intelligence, helped fund this newly-emerged anti-Communist group. Initially British intelligence had doubts about the bona fides of the Trust. So did other Western intelligence services sponsoring exile groups. But they gradually accepted it after they received

intelligence reports confirming its operations from many other sources, including Russian officials, diplomats, and military officers who claimed to have defected from the Soviet government in Moscow. Since these reports all dove-tailed, they recognized the Trust as a real underground organization.

Once the Trust had been established in the minds of the Western intelligence services, it offered them as well as exile groups the services of its network of collaborators. These services included smuggling out dissidents, stealing secret documents, and disbursing money inside Russia to sympathizers. Within a year, exile groups in Paris, Berlin, Vienna, and Helsinki were using the "Trust" to deliver arms and supplies to their partisans inside Russia. The Trust also furnished spies and exile leader's fake passports which allowed them to sneak back into Russia to participate in clandestine missions. It even undertook sabotage and assassination missions paid for by Western intelligence services. As they saw with their own eyes police stations blown up and political prisoners escape from prisons, these agents and dissidents came to further believe in the power of the Trust.

By the mid-1920s, no fewer than eleven Western intelligence services had become almost completely dependent on the Trust for information about Russia. They also sent millions of dollars into Russia via couriers to finance its activities.

But suddenly exile leaders working in Russia under the aegis of the Trust began to vanish. Then top western intelligence agents, such as Sydney Reilly and Boris Savinkov were arrested, and their networks were eliminated. Instead of the Communist regime collapsing, as the Trust had predicted, it consolidated its power and wiped out all the dissident groups. Finally, in 1929, the Trust was revealed by a defector to be a long-term false flag operation run by the Russian intelligence service. Even the Trust building, rather than being the cover for a subversive conspiracy, was the headquarters for the Russian secret police during this seven-year operation. The secret police had provided the documents fed to Western intelligence, briefed the agents who pretended to defect, published the dissident newspapers the Trust distributed, fabricated the passport it supplied exiles, blew up Russian buildings and staged jail breaks to make the deception more credible. It also collected the money sent in by Western intelligence services, which more than paid for the entire deception. Since it was running the show, it could offer those lured into the trap an opportunity to work for it as double-agents. The alternative, if they refused, was to face a firing squad.

Even after the "Trust" itself had been fully exposed, The Russian Intelligence Service continued to succeed with other false-flag deception, During the Cold War, for example, it set up a fake underground in Poland modeled on the Trust. It was called WIN. It also set up other false flag groups in Ukraine, Georgia, Lithuania, Albania, and Hungary. It also had agents masquerade as members of the security services of Israel, South Africa, Germany, France and the US to recruit unwitting agents. These deceptions became an integral part of the recruitments of the Russian intelligence services.

Penetrating the NSA and getting access to files from its stove-piped computers was a far more difficult challenge for the SVR. Approaching CIA officers, such as Nicholson, was relatively easy because it was part of the CIA officer's job to meet with their adversaries. NSA officers, on the other hand, did not engage in "dangles" or even attend diplomatic receptions. They had not reason, other than a sinister one, to meet with a member of the Russian intelligence service. Furthermore, unlike CIA officers who, like Nicholson, are often posted in neutral countries where they can be approached in a social context, NSA officers worked at well-guarded regional bases and are not part of the diplomatic life. Since a known employee of a foreign diplomatic mission could not even approach a NSA officer without arousing suspicion, the SVR would need to use an intermediary, called an "access agent," whose affiliations with it were not known to the FBI. Such an operation would require establishing a network of illegals in the America, as the SVR did after Putin became President. Even them, the intermediary would have to find a plausible pretext to approach the target with revealing his actual interest.

The emergence of computer networks in the 1990s greatly expanded the SVR's recruiting horizon. It offered an opportunity to penetrate a new layer at the NSA employees: civilian technologists working under contract for the US government. Many of these civilians at the NSA, especially the younger ones, had been drawn from the hacking and game-playing culture. Some had even taken courses abroad on hacking techniques. They presented the SVR was inviting targets for recruitment. As was previously mentioned, Russian intelligence had considerable experience in Germany with hacktavists who tended to be anarchists. There were also supporters of the Libertarian movement. The common denominator was often their resentment expressed in their postings s of the United States and its allies attempting to limit the downloading of copy-righted music, movies and software on the Internet, all of which went under the rubric of "freedom of the Internet." They also vocally objected to the NSA using built-in backdoors in their software to read their encrypted messages. They were not difficult to find on the Internet. The donors to Ron Paul's Libertarian election campaign (including Snowden) were a matter of public record, for example.

Even if there was no shortage of hacktavists who believed the surveillance of the Internet by the NSA was an evil worth fighting, the SVR still had to find a plausible way of approaching members of this counterculture without offending them. Clearly, the SVR could no longer use out- of-date Communist and anti-capitalist ideology as a lure. Russia was far more authoritarian than the U.S, when it came to the Internet. One viable alternative for the SVR was custom-tailoring false flags to appeal to hacktavists.

For this purpose the Internet provided a near perfect realm for false flags. Since it is a place where true identities cannot easily be verified, intelligence services could employ a protean kit of disguises to assume false identities to entice potential dissidents into communicating with them. The KGB's earlier efforts to use hacktavist groups in Germany had produced little, if any, intelligence because of the "stove-piping" the NSA used to isolate its computers from networks

that could be hacked into from the outside. It will be recalled that the NSA threat officer had cited these failures in his 1996 report on NSA vulnerability. He also said that efforts of the Russian Intelligence Services to use false flag recruitments provided the KGB with "a learning experience." The KGB had learned that hacking by itself could not breech the NSA's protective stove-piping. He predicted that its next logical move would be to "target insider computer personnel." These false flag recruitment would aim at, in his view, system administrators, computer engineers and cyber service workers who were either already inside the NSA or who had a secrecy clearance that would facilitate getting jobs with NSA contractors.

Even with an appropriate false flag, the task of finding such a "Prometheus" was daunting. There were some five thousand civilian technicians at the NSA of all political stripes. Finding the one who met its espionage requisites was the equivalent of seeking the sharpest needle in the proverbial giant haystack. For espionage purposes, however, recruiters did not have to find the sharpest needle, or any particular one; they just needed to find any needle in a position to cooperate. They could hone a willing recruit over time to do the job at hand.

The size of the haystack could also be reduced to more manageable proportions by hacking into the personnel records of the intelligence workers seeking to renew their security clearance. The Internet provided the SVR with just this opportunity. As discussed in the previous chapter, holes in the security of the computer networks of the US Office of the Office of Personal Management, USIS and the websites of the companies supplying the NSA with independent contractors had made the background checks on American intelligence workers available to the Chinese and presumably other adversary intelligence service hackers since 2011. If the SVR had access to this personnel data, the research for a candidate would be greatly facilitated. From the 127-page standard form 86 each applicant for a security clearance submits, the SVR could filter out intelligence workers employed by the NSA by their educational background, employment history, affiliations and foreign contacts. It could then search this data for candidates with a possible hacktavist profile,

This data could next be crossed with a list of individuals SVR in contact with high-profile activists who are part of the anti-surveillance movements. This would include core participants in the TOR project, Wikileaks, Noisebridge, Crypto Parties, and the Freedom of the Press Foundation and the Electronic Freedom Foundation. (Snowden, for example, had been in touch with members all these groups in 2012 and 2013.)

The SVR would have little problem monitoring even encrypted communications with leading figures in the Anti-surveillance world. These activists, despite secrecy rituals such as putting their cell phones in refrigerators, remain visible to a sophisticated intelligence service such as the SVR. Consider, for example, the defensive tactics of Laura Poitras, including PGP encryption, TOR software, and air-gapped computers which are computers that have never been connected to the Internet. She also famously changes her tables at restaurants to evade surveillance. With all these precautions, she did not keep secrets about her sources entirely to herself. Snowden, at a

time when he was stealing NSA secrets in February 2013, went to great lengths to impress on Poitras the need for operational security about his contacts with her, but that injunction did not prevent her from telling at least five people about her source, including Micah Lee, the Berkeley-based technology operative for the Freedom of the Press Foundation; Jacob Appelbaum, the TOR proselytizer; Ben Wizner, the ACLU lawyer; Barton Gellman; and Glenn Greenwald. "It is not me that can't keep a secret, "Abraham Lincoln joked. "It's the people I tell it that can't." In the same vein, Poitras could hardly rely on these five confidants not to tell her (and Snowden's) to others. Hours after he was told, Greenwald told his lover David Miranda about the source in great detail. He even asked him to evaluate the source's bona fides for him. Gellman, for his part, raised the matter with a former high official at the Justice Department.

Moreover, as the intelligence world knew, Poitras was herself a veritable lightning rod for attracting ex-NSA employees who objected to some of its surveillance programs. In 2012, her filming of NSA insiders, including Binney and Drake, would make her communications of interest to any intelligence services that wanted to keep tabs on possible NSA dissidents.

Nor was Snowden himself overly discreet. It will be recalled that he had also advertised his TOR-sponsored crypto party activities over the Internet, and supplied Runa Sandvik, who worked with Appelbaum, his true name and address in Hawaii. Sandvik had no reason not to share the identity of her co-presenter with others in the TOR movement. Snowden also had his girl friend make a video of his presentation, as will be recalled. He also bragged about operating the largest TOR outlets in Hawaii. Even if his TOR software provided him a measure of anonymity, it was not beyond the ability of the world-class cyber services to crack it.

Under Putin, Russia had built one of the leading cyber espionage services in the world. According to a 2009 NSA analysis of Russian capabilities, which was obtained by the *New York Times* in 2013, Russia's highly-sophisticated tools for cyber-espionage were superior to those of China or any other adversary nation. For example, investigators from FireEye, a well-regarded Silicon Valley security firm, found that in 2007, Russian hackers had developed a highly-sophisticated virus that could bypass the security measures of the servers of both the US government and its private contractors. According to one computer security expert, the virus had made protected Internet websites "sitting ducks" for these Russian sophisticated hackers. The cryptographer Bruce Schneier, a leading specialist in computer security, explained, "It is next to impossible to maintain privacy and anonymity against a well-funded government adversary."

Nor has the Russian cyber service has made a secret out of the fact that it targets TOR software. It even offered a cash prize to anyone in the hacking community who could break TOR. Prior to 2013, according to cyber security experts, it spent over a decade building cyber tools aimed at unraveling the TOR networks used by hacktavists, criminal enterprises, political dissidents and rival intelligence operatives. To this end, it reportedly attempted to map out computers that served as major TOR exit nodes (such as the one Snowden operated in 2012 near a NSA regional base in Hawaii.) It also reportedly attached the equivalent of "electronic ink" to

messages which would allow it to trace the path of messages that passed through them. Through this technology, it could tag and follow TOR users as their communications travelled across the Internet. It could even borrow their Internet identities. To be sure, .the NSA also had such a capability. The Silk Road founder Ross Ulbricht discovered to his distress that his TOR software did not make his computer server in Iceland invisible. According to a former top official in the Justice Department, the NSA was able to locate it by cracking the TOR software, (Ulbricht is currently serving a life prison sentence for his Silk Road activities.). Unlike adversary services, however, the NSA needs a warrant to investigate US citizens who use TOR.

Even the NSA is not immune from an attack of its own computers. CIA deputy director Morell, who served on the committee evaluating the NSA's vulnerability in the Snowden affair after retiring from the CIA in 2013, wrote in his 2015 book "The Great War of our Times," that many financial institutions have "better cyber security than the NSA." If nothing else, the Internet helped make the activities of US intelligence workers visible to the SVR.

Even if the SVR theoretically had opportunities, it still had to find at least one disgruntled civilian contractor inside in the NSA who had access to the sealed-off computer networks. Did it find its man? If so, was it before or after Snowden arrived in Hong Kong with the Level 3 NSA files?

CHAPTER TWENTY-TWO

The Chinese Puzzle

"The first [false assumption] is that China is an enemy of the United States. It's not."
■ Edward Snowden in Hong Kong

On August 11, 2014, in the Atlantic Ocean, an even took place of enormous concern to U.S. intelligence. A Chinese Jin Class Submarine launched an Intercontinental ballistic missile. The missile released 12 independently-targeted re-entry vehicles, each simulating a nuclear warhead. Some 4400 miles away, in China's test range in the Xinjiang desert, each of the 12 simulated nuclear warheads then hit their targets within a 12 inch radius. The test firing, which was closely monitored by the NSA, was a strategic game changer. It meant that a single Jin Class submarine, which carried 12 such missiles and 144 nuclear warheads, could destroy every city of strategic importance in the United States. U.S intelligence further reported at China would soon fully stealth its newer submarines against detection, "giving China its first credible sea-based nuclear deterrent" against an American attack.

By 2015, as its test in the Atlantic had foreshadowed, China had armed its land-based as well as sea-based missiles with multiple independently targeted warheads. Combined with the state--of-the-art technology it had licensed from Russia, its systematic use of espionage made it possible for China to even build its own stealth fighters.

Unlike the U.S, China did not achieve this remarkable capability to launch independently-targeted miniaturized nuclear weapons and stealth them by investing hundreds of billions of dollars in developing them. It obtained this technology mainly through espionage. The history of this enterprise, though unsung, is stunning. The Chinese intelligence service stole a large part, if not all of America's secret technology for weaponizing nuclear bombs during the 1980s and 1990s. The theft was so massive that in 1998 the House of Representatives of the US Congress set up a special bipartisan investigative unit called the "Select Committee on National Security and Military and Commercial Concerns with the People's Republic of China." Based on the intelligence amassed by the NSA, CIA and other intelligence services, it concluded in its report that the Chinese intelligence service had obtained both by electronic and conventional spying the warhead design of America's seven most advance thermonuclear weapons. Moreover, it found that China's espionage successes allowed China to so accelerate the design, development and testing of its own nuclear weapons that the new generation of Chinese weapons would be "comparable in effectiveness to the weapons used by the United States." Further, it found that these thefts of nuclear secrets had not been isolated or opportunistic incidents. The Committee reported to Congress that they were the "results of decades of intelligence operations against U.S.

weapons laboratories." The Chinese intelligence service further obtained from private US defense contractors through cyber espionage important elements of the stealth technology used in both advanced planes and submarines. China shared (or exchanged) the fruits of its espionage on nuclear warhead design with North Korea, Pakistan, Iran and Russia.

Despite its formidable intelligence coups in the US, the Chinese intelligence service managed to remain among the most elusive of America's intelligence adversaries. Its espionage organizations are hidden behind layers of bureaucracy in the Ministry of State Security, Chinese Communist party structures, and the second, third and fourth department of the General Staff of the People's Liberation Army. Much of its cyber espionage units are concealed on the campuses of its universities. Its hierarchy, or order of battle, is also obscure. Few traces have been uncovered of any conventional espionage networks in the United States and no major Chinese spy has ever been arrested. Part of the reason that Chinese espionage has proved so elusive to the eyes of western counter-intelligence, was that, unlike Russia, it did not ordinarily rely on intelligence officers in its embassies to recruit penetration agents to steal secrets. It did not even have an embassy in the United States during most of the Cold War. Instead, its services specialize it assembly mosaics of intelligence assembled from a wide variety of sources including non-classified documents, returning graduate students, scientific conferences, exchanges with allies, and a vast operation of hacking into computers, or cyber- espionage.

Cyber-espionage is indeed a vast enterprise in China. Graduating over 150,000 computer science engineers, it had no shortage of personnel. It also had developed the cyber tool kit to gain access to the computer networks of US government contractors and consultants in the private sector and government agencies, planting "sleeper" bugs in net-worked computers. Like human "sleeper" agents, these hidden programs can be activated when needed for operational purposes. Chinese controllers can retrieve emails, documents and turn on the cameras and microphones of personal computers, tablets and smart phones. By 2007, Paul Strassmann, a top US defense expert on cyber-espionage, reported that China had inserted "zombie" programs in some 700,000 computers in the US which could be used to mount cyber attack to retrieve emails from other computers. The Chinese service also reportedly penetrated companies that provide Internet services, including Google Yahoo, Symantec, and Adobe, which allowed it to track emails and enclosures of individuals. With such an invisible army of zombie computers, it is not entirely surprising that China finds little need to employ human: sleeper" agents.

Chinese cyber-specialists used this capability to hack into computers of outside contractors, including Booz Allen and other companies that supplied technologists to the NSA. It also had notable successes in obtaining the dossiers of US employees and independent contractors at the NSA, CIA and other intelligence services. Its intrusions, as previously noted, into computer network at the Office of Personnel Management traced back to 2009. Eventually, by 2015, according to US estimates, the cyber attack had harvested over twenty million personnel files of past and present Federal government employees. In addition, it reaped in over 14 million background checks of intelligence workers done by the Federal Investigative Service. All the intelligence workers with a SCI clearance, such as Snowden, were required to provide in these

forms information about all their foreign acquaintance, including any non-U.S. officials that the applicant knew or had relationships with in the past. They also had to list their foreign travel, family members, police encounters, mental health, and credit history. For good measure, Chinese hackers obtained the confidential medical histories of government employees by hacking into the computers of Anthem and other giant heath care companies. If the Chinese intelligence services consolidated the fruits of these hacking attacks it would have a searchable database of almost everyone working in the American defense and intelligence complex. From this database, it could track individuals with high security clearances vulnerable to being bribed, blackmailed or tricked into cooperating. No one doubted that the Chinese would use their cyber capabilities to take advantage of weaknesses in foreign computer systems. General Hayden said of the massive theft of intelligence personnel records: "those records are a legitimate foreign intelligence target." He added, "If I, as director of the NSA or CIA would have had the opportunity to grab the equivalent in the Chinese system, I would not have thought twice." If that opportunity did not arise for the NSA or CIA during Hayden's tenure, it may have been because no insider in the Chinese intelligence services provided US intelligence with a road map to it.

Cyber espionage was not the Chinese Intelligence Service only powerful resource in the intelligence war. To get both electronic intelligence and human intelligence about the United States, China also had a highly-productive intelligence sharing treaty with Russia. It was signed in 1992 after the Soviet Union was dissolved. Although the terms of this exchange remain secret, defectors from the Russian KGB and SVR reported that Chinese intelligence received from Russia a continuous stream of communication intelligence about the US in the late twentieth and early twenty-first centuries. Russia's intelligence resources during this period were formidable. They included geo-synchronous satellites, listening stations in Cuba, sleeper agents and embassy-based spy networks. Presumably, this relationship further deepened under President Putin's regime. Putin asserted in his speeches in 2014 that Russia and China continue to share a key strategic objective: countering the United States' domination of international relations, or what Putin terms, "a unipolar world order." China's President Xi Jinping expressed a very similar view, saying in 2014 in a thinly-veiled reference to the United States, stating that any American attempt to "monopolize" international affairs will not succeed.

Since the end of the Cold War, Russia has been the major supplier of almost all of China's modern weaponry. It licenses for manufacture in China avionics, air defense systems, missile launchers, stealth technology, and submarine warfare equipment. To make these arms effective, it also provides China with up-to-date intelligence about the ability of the United States and its allies to counter them. While such intelligence cooperation may be limited by the reality that China and Russia still compete in some areas, there is no reason to assume that they do not share the fruits of their cyber and conventional espionage against the NSA. After all, the NSA works to intercept the military and political secrets of both these allies. Moreover, NSA secrets might are a form of currency in the global intelligence war.

Snowden's trip to Hong Kong in May 2013 made the Chinese intelligence service, willy-nilly, a potential player in game. Hong Kong is a part of China, even if independently administrated, and, as such, China has full responsibility for its national security and foreign affairs. This mandate includes monitoring foreign intelligence operatives. The Chinese intelligence service accordingly runs much of the local intelligence apparatus in Hong Kong. For this purpose, it maintains its largest intelligence base outside of mainland China in Hong Kong. Its officers are stationed officially in the Prince of Wales skyscraper in central Hong Kong and unofficially maintain informers in Hong Kong's police, governing authority, airport administration and at other levers of power in Hong Kong. It checks the computerized visitors entering Hong Kong, and has the capability to ferret names that match those in the immense date base its global cyber espionage has amassed. When it detects the entry of any person of possible intelligence interest, it has the opportunity of using its sophisticated array of cyber tools to remotely steal data from those individuals. Such remote surveillance was so effective in 2013 that the US State Department had instructed all its personnel in Hong Kong to avoid using their Iphones, Androids, Blackberries and smart phones when travelling to Hong Kong or China. Instead, it has supplied them with specially-altered phones that disable location tracking and have a remotely-activated switch to completely cut off power to it circuitry. No one in the intelligence community doubts the prudence of taking such precautions in the realm of China.

Once Hong Kong had served as a window into China for Western intelligence, but in the first decade of the 21st century, the Chinese intelligence service had achieved such a pervasive presence in Hong Kong, and such ubiquitous electronic coverage of diplomats and other foreigners even suspected of involvement in foreign intelligence work, that the CIA and British intelligence found it almost as difficult to operate in Hong Kong as in mainland China. The CIA as well as the DIA kept a few officers there, but, as a former CIA station chief told me in September 2013, that for the purposes of intelligence operations, the CIA "regards Hong Kong as hostile territory."

Snowden apparently knew the limits of CIA operations in Hong Kong. It indeed provided him with an envelope of protection. He told Greenwald, as will be recalled, that he was counting on the Chinese presence in Hong Kong to deter the CIA from intruding on their meetings.

Snowden also must have realized that he was entering the Chinese sphere of influence when he flew to Hong Kong in May 2013. Yet, he took with him level 3 NSA secrets which he could assume would be of great interest to China. In fact, he advertised this fact in his interview with the *South China Post*, a newspaper controlled in 2013 by mainland China. Whatever he may have assumed about the inability of the CIA to stop him in Hong Kong, he had no reason to assume that Chinese intelligence service would relegate itself to purely passive role, especially when secret NSA's documents were in a hotel room in Hong Kong. Snowden may have esteemed himself to be an independent actor playing Prometheus on a global stage provided by YouTube, but the Chinese may have viewed him as nothing more as another pawn in the Game of Nations.

CHAPTER TWENTY-THREE

The Pawn in the Game

"The whole key is, the state department's the one who put me in Russia."
--Edward Snowden in Moscow, 2014

When Snowden arrived in Hong Kong on May 20, 2013 he became a person on interest to any parties who knew, or later learned, about his coup. How could they not be interested this intelligence defector? He had brought with him enough US government secrets to, as he put it, make NSA "sources go dark that were previously productive". Snowden also fully realized the lethal situation that his possession of NSA documents put him. He was after his arrival in Hong Kong, as he put it, the NSA's "single point" of a potential catastrophic intelligence failure. He also stated the consequences if caught, telling Poitras: "The US Intel community will certainly kill you if they think you are the single point of failure."

The reason that Snowden considered himself of such importance to be the "single point of failure" was the pay load of secrets he was carrying. He possessed thumb drives full of files so critical to the NSA that in the wrong hands they could cause, in his view, many of the key sources of the entire US communication intelligence service to "go dark." Not only was he carrying these files, but he had willingly bought them inside the territory of China; a place in which America's main adversaries, China and Russia, could operate freely. Whoever he sought to deal with in Hong Kong, or whatever idealistic axe he intended to grind there, he could not expect his position as a "single point of failure"—a position he advertised in his email correspondence—would not attract the attention of other players in the game of nations.

The enormous power of the NSA rested on a frail thread: its ability to keep secret from its foes its sources and methods. General Alexander could call the NSA's communication intelligence "the queen on the chessboard," but, like the queen in a chess game, it could be captured by a well-placed pawn. In this case, the pawn, which had it in his power to expose the NSA's critical sources and methods, would also be considered fair game for capture by an adversary. And both the Chinese and Russian cyber services, whether working alone or together, had the technological means in China to tap into Snowden's computer. They also had an interest in learning how the NSA was listening in on their secret communications. If any further incentive was needed, an intelligence service could barter them to other countries whose signals were also intercepted by the NSA. Michael Morell, the CIA's Deputy Director at the time, said in his book "The Great War of Our Times" that just a few selected parts of Snowden's cache could be traded to the intelligence services of Iran and North Korea.

Snowden, realizing that he now represented that weak link in the architecture of America's intelligence system, made a move from the U.S. that greatly increased the stakes. He entered what he knew to be hostile intelligence territory with his stash of stolen secrets. He did so, as he explained to Greenwald in Hong Kong, to reduce the possibility of an American countermove against him or his associates in the media. But while succeeding in limiting the reach of the CIA, FBI, NSA and their allies, he willy-nilly put himself under the protection of America's adversary, the Chinese security services. In light of the counterintelligence training he had received at the CIA, he could not be unaware his move into Chinese-controlled territory would not prevent

adversary services, which also had the home court advantage, from stepping in. He also gave adversaries an ample, if not wholly irresistible reason, to enter the game by saying that he had access to NSA's sources in China.
How could they resist such a prize?

As confidant as Snowden may have been that he was in control, the CIA believed that confidence was misinformed. CIA Deputy Director Morell said, after reviewing the case on a panel appointed by President Obama: "Snowden thinks he is smart, but he was never in a position in his previous jobs to fully understand the immense capabilities of our Russian and Chinese counterparts." He could adopt a self-confident tone in his post-mortem conversations with journalists in Moscow, but he had no means to block the efforts of the Chinese or Russian services in Hong Kong. These intelligence services had no restrictions on their actions. For example, the Chinese intelligence service could have spotted him on his arrival in Hong Kong simply by cross- checking its aforementioned database of US intelligence workers who had applied for a renewed security clearance in the past three years. It could have pinpointed his whereabouts through its informant network in the Hong Kong Police and the security staffs of hotels. Snowden's mysterious "carer" would not be immune from detection by that network. Russia, China's longtime intelligence ally, would not even need to go to such lengths since, as Putin gloatingly confirmed, he contacted its diplomats in Hong Kong. The Russian intelligence service would them swing into action while Russian "diplomats" entered into talks with him. The Russians would also glean from Snowden's request for asylum that Hong Kong was only a temporary stopover for him,

"The purpose of my [Hong Kong} mission was to get the information to journalists," he would tell the *Guardian* after he was safely ensconced in Moscow. After that brief mission, he was "done" in Hong Kong. Where he planned to go next, mainland China was only a taxi ride away and there was a direct flight to Moscow.

Snowden does not say how many days he planned to be in Hong Kong, but he indicated that he was working under a tight clock. The time pressure resulted in him emailing Gellman at the *Washington Post* an ultimatum on May 24, 2013: either Gellman publish the selected documents in the *Washington Post* within 72 hours or he would lose the exclusive scoop. He wanted the story to break on May 27, 2013 without his true identity (which Gellman did not know). Hid identity would be known to a foreign mission in Hong Kong if Gellman acceded to his demands. Since as previously mentioned, Gellman's story would enclose an encoded signal he planned to use as proof of his bona fides. So even before the *Guardian* reporters had agreed to come to Hong Kong, he had plans to deal with a foreign mission. But he planned to keep his name out of it. Instead, he insisted Gellman include in it a coded signal in it. When the *Washington Post* turned down his ultimatum, he needed a different plan.

Time was running out if he was to break the story and leave Hong Kong before the NSA realized he was missing. At best, he was safe until June 3rd. That was when he was supposed to return from his two-week medical leave for getting treatment for epilepsy. But if he failed to show up in Hawaii on June 3rd, alarm bells at the NSA would go off. It would not take long to find him. Airline record would show that he had flown to Hong Kong. The NSA security staff would ask questions, as Snowden explained from Moscow: "This guy isn't where he says he's supposed to be. He's supposed to be getting medical treatment. Why the hell is he in Hong Kong?" It would then determine he had lied about his medical treatment, and it would immediate go after him with the full power of the U.S. government.

The day after his attempt to pressure the *Washington Post,* he asked Greenwald to drop everything he was doing and immediately fly to Hong Kong. He had, it will be recalled, already sent Poitras an enciphered file, and told her she would get the key once she and Greenwald followed his instructions. Presumably, he wanted Greenwald's story and the video done in Hong Kong before he became a suspect. If they had immediately flown to Hong Kong that May, it still might have left Snowden an escape window.

As Snowden found out, when dealing with journalists, things do not always go as planned. Greenwald, although agreeing to come to Hong Kong, waited in New York for two days while the *Guardian* editors completed their due diligence. Poitras waited with him. As a result of this delay, Snowden's clock ran out. Greenwald and Poitras did not arrive at his hotel in Hong Kong until June 3rd. It would be only hours before he became a prime suspect. "It was a nervous period," Snowden recalled. Although he bravely told the *Guardian,* "there was no risk of compromise/" That claim was, at best, wishful thinking on his part.

By this time, he was no longer invisible. Not only had he registered at the hotel under his true name and provided his credit card, but he was he in contact with three high-profile journalists, two well-known hacktavists and, as he suggested to Gellman, a foreign diplomatic mission. Even if Snowden had failed to persuade the *Washington Post* to publish a coded identifier, the mission's interest would likely be piqued when the newspaper published it first story on June 5th. Even if adversary intelligence services had missed Snowden and his archive of NSA documents earlier in May, they would not neglect the availability of such a prize after the NSA stories broke in the *Guardian* and *Washington Post* on June 5th. Greenwald even went on TV in Hong Kong, revealing to every interested intelligence service, in the unlikely event that that they did not already know, that a defector from the NSA was in Hong Kong.

Now there was no point in keeping his identity a secret. On June 9th Poitras released the famous video showing Snowden a secret NSA documents, At this point, Snowden shone so brightly as a beacon that every player in the in the intelligence game would realize that Snowden was a pawn to be captured.

Snowden still was able to fog over his travel plans, at least in the media, by telling reporters that he intended to remain in Hong Kong and fight extradition in court, but certainly the Russian officials whom he contacted knew he had other plans. They had even relayed his request to go to Russia to Putin. His movements were also no secret to sophisticated intelligence services. In an era in Hong Kong ii which cell phones emit their GPS location every 3 seconds and CCTV cameras scan many street intersections, it is not easy to conceal one's whereabouts. In Snowden's case, his photograph was constantly on television, posters and giant billboards. Even if he threw away his own phone, his retinue of lawyers and helpers could be tracked with ease.

China, who's President, Xi Jinping was meeting President Obama for the first time in Rancho Mirage, California on June 9th, would have certainly been keenly interested in the unfolding Snowden affair. After all, Obama had publically put on his agenda that week calling Xi to task for Chinese cyber espionage. Such a charge was undermined by Snowden's globally-publicized accusation that the United States was engaged in massive cyber espionage. In any event, as US intelligence verified, China had, almost immediately after the release of the video, instituted a full court press of Snowden in Hong Kong. Its security apparatus presumably had the means to monitor his room as well as those of Poitras and Greenwald. From that moment on, it is not likely that any communication or movement, Snowden made during his next 18 days in Hong Kong would escape its scrutiny.

The U.Ss also had the ability to track Snowden's movements via the cell phones of his lawyers and other confederates after he surfaced. This tracking could all be done by the NSA. What the U.S. lacked was any practical means to capture a high-profile intelligence defector in a city that was part of China. By this time, US intelligence had established that Chinese and Hong Kong security services were monitoring Snowden's every move. This left few options in the game for the U.S. "I'm not going to be scrambling jets to get a 29-year-old hacker," President Obama said on June 27, 2013.

The real prize, in any case, was not Snowden himself but the NSA's secrets documents that he had with him in Hong Kong. When Snowden was observed entering the Russian consulate, the game was all but over. US diplomats could protest over back channels to Moscow, as they did, but, with a trove of NSA secrets at stake, there was little expectation that they stop the Russians. Two days later, the "single point of failure," as Snowden described himself, was on his way to Russia, where he would be subject to Moscow's rules.

When a victory is obtained in a major sports event, such as the world cup, it is celebrated with victory dances, parties and ticker-tape parades. The opposite is true in the Game of Nation. An intelligence victory involving secret documents, even if it cannot be entirely hidden, is kept veiled, as far as is possible, to increase the value of the coup. "The final move in any sophisticated intelligence game," Angleton told me in relation to espionage intelligence coup, is "obscuring a success."

Following Angleton's precept the Russian or Chinese intelligence services, if they had a role in acquiring the product of the self-described "single point of failure," would work to cover their tracks in the affair even before the Aeroflot plane carrying Snowden touched down at Sheremetyevo International Airport on June 23, 2013. If any false flag operations had been used to trick, mislead, or otherwise induce Snowden to come to Hong Kong, they would be disbanded. If any safe housed had been used to quarter Snowden in his first 11 days in Hong Kong, they would be shut down. If any operatives had been used in Hawaii to guide or assist Snowden, they would be put back into the sleep mode. If any tell-tale traces had been left in chat rooms or social media, they would be systematically deleted. Even more important to the ultimate success of such a communications intelligence coup, measures would be taken to conceal the extent of the damage done by the "single point of failure" by not precipitously closing down compromised sources. Snowden might believe that the power of the information he held was so great that, if disclosed by him, all the NSA's sources would immediately go dark in Russia and China, but Russia might not wish to provide such clarity to its adversaries. An intelligence service need not close down channels it discovers are compromised by an adversary. Instead it can elect to continue to use them and furnish through them bits of sensitive information to advance its own national interest. The real danger here was not that the NSA's "lights" would dramatically be extinguished but that all the future messages illuminated by those lights would be less reliable sources of intelligence. The Game of Nations is, after all, merely a competition among adversaries to gain advantages by the surreptitious exchange of both twisted and straight information. When the NSA asserted in the summer of 2013 that over one million documents, it was recognizing the most massive failure in its 60 year history. Not only NSA secrets, but secret files from the CIA, the British GCHQ, and America's cyber military commands, had been compromised. It was, as Sir David Omand, the head of the British GCHQ described it, a "huge, strategic setback" for the West. The genie could not be put back in the bottle as there is not a

reset button in this game. The best that the NSA could do now was damage control while its adversaries took full advantage of the setback. Several hundred US and British intelligence officers worked around the clock in Washington DC, Fort Meade, Maryland and Cheltenham, England for months on end to determine if which parts could be still salvaged from what had been until the Snowden breach the most powerful communications intelligence system in the world.

Adding insult to injury, Snowden, speaking from his new perch in Moscow, told applauding audience that the entire purpose of the U.S. exercise, including deliberately "trapping" him in Moscow, was to "demonize" him. For Russia, it was a textbook move. By providing Snowden with this platform to rail against the surveillance practices of his adversaries, Putin laid claim to the moral high ground in the Game of Nations.

What remains missing from this picture is Snowden's motive in requesting documents from other foreign intelligence services, such as the GCHQ, and copying lists of NSA sources. It is difficult to believe that his motive was conventional whistle-blowing since these documents were not among those l he gave to journalists in Hong Kong. It will be recalled that his legal representative in Moscow, Anatoly Kucherena, said that he taken to Russia, and had access to, NSA documents that he had not given to journalists. He had gone effort in his final weeks at the NSA to take documents that any adversary service would prize. Copying them was, as we have seen, part of his well-calculated plan. Did he use them, as he used the documents he gave to Poitras, Greenwald and Gellman, as leverage in his transformation? Since the role that Moscow may have played in Snowden's remarkable defection, while less visible than that of the movie-makers, journalists and activist, cannot be ignored in this puzzle. Since it requires a closer examination of the machinations that brought Snowden to Russia, I made arrangements to visit Moscow in October 2015.

PART FIVE

WALKING THE CAT BACK

Deception is a state of mind—and the mind of the state

--James Jesus Angleton

Chronology 3

Snowden in Russia

2013

June 23 Snowden arrives from Hong Kong at Sheremetyevo International Airport on Aeroflot flight SU213 at 5:15 PM local time.

Sarah Harrison arrives from Hong Kong at Sheremetyevo International Airport on Aeroflot flight SU213 at 5:15 PM local time.

July 12 Snowden, in his first public appearance in Russia, holds press conference at Sheremetyevo International Airport,

July 14 Snowden first meets Anatoly Kucherena, his lawyer-to-be

August 1 Snowden's application for asylum is granted for one year.

September 23 Kucherena states Snowden has access to NSA documents in Russia

October 2 Ray McGovern, Thomas Drake, Coleen Rowley and

Jesselyn Radack meets with Snowden and Harrison.

October 10 Snowden aided by ACLU legal team put together by Ben Wizner

October 16 Snowden interviewed, via Internet, by James Risen (*NY Times*)

November 1 Snowden joins the board of the Freedom of the Press Foundation

November 3 Sarah Harrison departs from Moscow.

December 21 Snowden meets with Gellman; his first in person interview in Moscow.

2014

January 2 Snowden meets in Moscow ACLU lawyers Ben Wizner and Anthony Romero

August 1 Snowden's residence permit is renewed for three years

CHAPTER TWENTY-FOUR

Dinner with Oliver Stone

"I had to 'tune to [Snowden's] wavelength' and try to balance between the rational and intuitive perception of his world. Having experienced these incredible sensations, I realized that I had to write about them, but only in the form of a novel that would not claim any sophisticated philosophical conclusions."

—Anatoly Kucherena

Before flying to Moscow, I arranged to have dinner with Oliver Stone at Parma, an Italian restaurant on the upper east side of New York. I had greatly respected Stone ability as a film director after watching him work in *Wall Street II: Money Never Sleeps*, a film in which I had a cameo role. I also had debated Stone about the historic accuracy of his 1990 movie *JFK* at Town Hall in New York.

When we dined, he had just written, produced, written and directed "Snowden," an independently-financed film depicting Snowden, as put, as "one of the great heroes of the 21st century." In preparing for it, he had not only seen Snowden in 2013 and 2014, but he had had a six-hour meeting with Putin.

The reason I wanted to talk to him was not to learn about the film but to find about how he had made to gain access to Snowden in Moscow. I already knew from the documents taken from Sony Pictures Entertainment allegedly by North Korea that Stone had paid the *Guardian* $700,000 for the film rights to "The Snowden File," a book written by Luke Harding. This was not a surprising sum since it provided a basis for movie which describes Snowden's coup. But these documents also revealed that Stone had paid Anatoly Kucherena, Snowden's legal representative in Moscow, $1 million dollars, supposedly for the rights to his novel *Time of the Octopus*. Even by Hollywood standards one million dollars was an extraordinary sum to pay for a yet-to-be published work of Russian fiction, and it was especially striking since Stone was making a fact-based movie using the actual names of the characters. "Is your script based on Kucherena's "Time of the Octopus?" I asked.

"No," Stone replied, "I haven't used it." He said that the payment was for what he termed "total access." He explained that Barbara Broccoli and Michael G. Wilson, the producers of the James Bond franchise, had optioned Greenwald's book "No Place to Hide" to make into a movie

about Snowden for Sony. Stone said that the million dollar deal with Kucherena effectively guaranteed that any competing project would not have access to Snowden. Sony consequently put the competing film on hold.

To be sure, it is not unusual for a lawyer to negotiate a deal on behalf of a client, but a lawyer ordinarily does not have the power to block a competing film access to their client. Clearly, Kucherena was no ordinary lawyer. Among other positions, he was on the public board of the FSB security service. In light of such connections, Stone said Kucherena might be acting as an intermediary for other parties who did control access to Snowden in Russia but that were not his concern. Kucherena delivered the exclusive access to Snowden.

Aside from being a skilled director, Stone is a shrewd producer who knew how to close a deal. He assessed, correctly as it turned out, that the payment to Kucherena would effectively block Sony's competing project. Where the money went was far less clear.

Towards the end of our dinner, Stone told me that he did not know I was writing a book about until a few weeks earlier. He learned of my book from Snowden. He said Snowden had expressed concern to him about the direction of the book I was writing. "What was it about?" Stone asked me.

I was taken aback. I had no idea that Snowden was aware of my book project, as I had not tried to contact him. I told Stone that I considered Snowden to be extraordinary man who had changed history. Although I was intentionally vague in my description, Stone seemed to be reassured.

That Snowden was aware that I was investigating him presented an opportunity. I asked Stone about the possibility of my seeing Snowden in Moscow.

Stone did not offer to arrange such a meeting. He said only that I "might want to speak to Anatoly [Kucherena]." This conversation suggested to me that Kucherena was Snowden's gate-keeper.

In his two years in Moscow, Snowden, or his handlers, had granted only a handful of face-to face interviews. One was with James Bamford, who was writing an article on Snowden for *Wired* magazine in 2014. But it took nearly nine months to arrange the meeting. "I have been trying to set up an interview with him [Snowden]—traveling to Berlin, Rio de Janeiro twice, and New York multiple times to talk with the handful of his confidants who can arrange a meeting. " he recounted in *Wired*. After my dinner with Stone, I hoped to find a quicker route.

First, I was advised that I needed a Moscow "fixer," the curious term that journalists commonly use to describe a local intermediary who arranges appointments in foreign countries. I retained Zamir Gotta, a highly respected TV producer in Moscow, who I was told had helped "fix" the Bamford interview with Snowden.

"There is only one door to Snowden," Zamir wrote me. "His name is Kucherena." Since Zamir said Kucherena rarely saw journalists he that he had a contact in his office. He further told me Kucherena required that any journalist seeking an interview with Snowden to submit his questions to him two weeks in advance and, if approved, sign a document stating I would not deviate from the questions. Next, my questions had to be translated from English to Russian (even though Snowden does not speak Russian) and then vetted by Kucherena's staff. Zamir also suggested I stay at the National hotel in Red Square because Snowden has gone there for previous meetings with Bamford. So I sent Kucherena, via Zamir, ten questions that might interest Snowden (if they ever reached him.)

I next obtained a multi-entry Russian visa from the Russian consulate in New York, booked myself a room in the National hotel with a view of the Kremlin and used all my remaining frequent travel miles to book a direct flight on Aeroflot to Moscow.

CHAPTER TWENTY-FIVE

Vanishing Act

"They talk about Russia like it's the worst place on earth. Russia's great."—Snowden Moscow, 2015

My night flight from New York to Moscow took less than eight hours. It landed at 7:40 AM on October 29, 2015 at terminal D a Sheremetyevo International Airport. I did not immediately proceed through passport control, not just because I wanted to avoid the killer bumper-to-bumper rush hour traffic, but because I wanted to explore the transit zone in which Snowden was supposedly trapped in for six weeks.

Sheremetyevo Two, where all international flights land, was built in the waning days of the Cold War for international passengers arriving for the Moscow 1980 Summer Olympics. It was modernized in 2010, including opening a walkway that connects Terminal D, E and F for transit passengers.

Snowden had vanished, at least from public view, in this complex of terminals for nearly six weeks in the summer of 2013. His explanation, as will be recalled, was two-part. First, he had planned to board the next fight to Cuba, and from there proceed to Ecuador. But he was unable to board this flight because his passport had been invalidated while he was flying to Russia by the U.S. Government. Second, after discovering his passport had been revoked, he stayed in a capsule hotel in the transit zone for the next 38 days.

To better understand the plausibility of his version of those events, I proceeded through the transit passage to Terminal F where Snowden's plane from Hong Kong had landed at 5:15 PM Moscow time on June 23, 2013.

Snowden did not o through passport control on June 23rd. Before any of the other passengers were allowed to disembark from the plane, Russian plainclothes officers from the Special Services boarded the plane and asked both Snowden and Sarah Harrison, his Wiki leak's supplied "ninja," to accompany them to a waiting car that whisked them away. Assange and Harrison had organized a number of decoy flights. They may have confused U.S and British intelligence services, as they were intended to do, but they evidently did not fool the Russian intelligence services. According to the account in *Izvestia*, "a special operation was conducted for his reception and evacuation." It further said: "Snowden flight to Moscow was coordinated with the Russian authorities and intelligence services." What was less clear is whether Snowden had voluntarily participated in this "special operation" that effectively took him into custody. Wherever Snowden and Harrison were next taken-- the "transit zone" extends beyond the airport to medical and other facilities— he was not brought to Terminal E, where the next Aeroflot flight to Cuba departed at 1:40 PM on June 24th 2013.

Yet, if not for the "special operation", he could have easily gone by foot to Terminal E. It was, as I found, only a nine minute walk through the transit passageway in which one does not have to show a passport. But that raises the question: Was Snowden's plan really to go to Ecuador?

Consider Snowden's putative motivation in seeking sanctuary in Ecuador: his safety. Yet, Snowden assessed that he would be vulnerable to capture by the U.S. government in Ecuador. "If they [the U.S. Government] really wanted to capture me, they would've allowed me to travel to Latin America, because the CIA can operate with impunity down there," he explained in a recorded interview with Katrina vanden Heuvel, the editor of *The Nation,* in 2014, He had previously discussed the likelihood of his being captured in Ecuador with Julian Assange in Hong Kong in June 2013 before his departure for Moscow. He also told Alan Rusbridger, the editor of the *Guardian,* that he considered that he was at risk in Latin America. This vulnerability was no minor matter to Snowden. He told Glenn Greenwald in Hong Kong, before arranging to fly to Moscow, that his "first priority" was his own "physical safety." Since he did not believe Ecuador was a safe place for him, why would he leave the comparative safety of Russia and risk being kidnapped by American forces in Latin America?

Nor was a U.S. passport a prerequisite for U.S. citizens flying to Havana in 2013. Since the State Department did not sanction travel to Cuba for the general public, the vast majority of Americans going to Cuba obtained a travel document from a Cuban consulate so the Cuban entry stamp would not be marked in their passport.) So Snowden, if he really had intended to fly to Cuba, only needed this document. He had over a month to obtain it from the Cuban consulate in Hong Kong. But he did not. He could also have obtained a visa to Ecuador at its consulate in Hong Kong. But he did not. According to his lawyer Kucherena, who closely examined his passport in July 2013, Snowden had no visas at all. Unlike his words, Snowden's actions were with any plan to go to any place in Latin America.

Shortly after the "special operation," a tip was placed on a publicly-accessible Russian website saying that Snowden was booked on the Aeroflot flight SU-150 to Cuba on June 24th. In response to this anonymous tip, Russian and foreign news organization in Moscow ordered their reporters to buy tickets on that flight With their tickets, reporters swarmed into the departure area of the airport in such numbers that the police had to set up cordons. They checked all the VIP lounges, restaurants, rest rooms and boarding area for the next seven hours, but Snowden was nowhere to be found. A Russia Today reporter later said "It was a total madhouse. Everyone was screaming 'Snowden' at the airport ground staff." Over a hundred reporters actually boarded the plane.

In fact, Snowden had never checked in for that flight and, as far as is known, was never seen in terminal E. Only after the plane took off did the journalists realize Snowden was not aboard it. All they could do was photograph two of the unoccupied seats, 17A and 17 C, which they reported in tweets were Snowden's and Harrison empty seats. By the time the plane landed in Cuba Aeroflot denied that anyone named Snowden had ever been booked on any of its flight to

Cuba, a denial it continued to repeat to every reporter who queried the airline for the next six weeks.

The first news that Snowden was even in Russia came on July 1, 2013. A statement posted on n the Wikileaks web site and signed "Edward Snowden," after thanking "friends new and old" for his "continued liberty," accused President Obama of pressuring "leaders of nations from which I have requested protection to deny my asylum petitions. It added: "This kind of deception from a world leader is not justice, and neither is the extralegal penalty of exile. These are the old, bad tools of political aggression." Since the Aeroflot flight to Cuba was the only means of getting directly from Moscow to Latin America, Russian reporters, encouraged by the Wikileaks post, continued taking the daily 11 hour flight to Cuba until August 1, 2013, The charade only ended when Kucherena said in a press conference at the airport that Snowden would be taking up residency at an undisclosed location in Moscow, and walked out of the airport with Snowden.

The question remained: where had Snowden been staying for those 39 days? Sarah Harrison, his companion on the plane, told *Vogue* that she and Snowden had shared a windowless room in the transit zone, where they watched TV, washed their clothes in a sink basin and ate meals from the nearby Burger King. The only hotel with windowless rooms in the transit zone in 2013 was the Vozdushny V-Express Capsule Hotel, located next to a newly-opened Burger King restaurant.

I next went there. The polite V-express desk clerk, who spoke English, showed me the standard windowless double-room. It was approximately 24 square feet, the size of a large shipping container. Most of the floor space was taken up by twin bed. Across from the bed, behind a plastic curtain, was a stall with a shower, a toilet and sink. Not only was it very cramped quarters for two people to share but it was fairly expensive. It cost 850 rubles an hour (about $18 in 2013.) For 39 days that hourly charge would add up to $16,600. Even though Snowden claimed that he brought a large cache of cash to Russia, such a long stay was not allowed, according to the desk clerk. The maximum stay allowed by the hotel was 24 hours. So either the rule was waived for Snowden or he moved to another facility not available to the public.

I learned from a former KGB officer, there are a number of VIP quarters beyond the confines of the airport, including suites at the 400-room Novotel hotel, which is located about seven miles from the airport, that are used for debriefing and other purposes by the security services. According to him, the security services are not restricted from entering and leaving the transit zone.

The possibility that he was staying elsewhere would help explain the futile search for him by of a large number of reporters over those 39 days. When they learned from tweets that Snowden was not aboard plane to Havana on June 24th, they aggressively questioned every restaurant employees, security guards and airport personnel for weeks they could find. Some reporters even took rooms in the V-Express Capsule Hotel and "tipped" maids and other hotel employees. They also bought business-class tickets on flights to gain access to all the public VIP lounges in the transit zones. Despite this intensive search, none of them found anyone who had seen Snowden

although his image was constantly shown on airport TV screens. Egor Piscunov, a Russian journalist who checked into the capsule hotel for 4 hours told me, “It was a total vanishing act.”

CHAPTER TWENTY-SIX

Through the Looking Glass

"There's definitely a deep state. Trust me, I've been there"

—Edward Snowden in Moscow

While waiting to hear back from Kucherena's office, I arranged to meet with Victor Ivanovich Cherkashin, who gad been one of the most successful KGB spy handlers in the Cold War. Cherkashin, born in 1932, had served in the KGB's espionage branch from 1952 until 1991. He now operated a private security firm in Moscow. I was particularly interested in his recruitment of three top American intelligence officers; Aldrich Ames in the CIA, Robert Hanssen in the FBI and Ronald Pelton in the NSA. I hoped that seeing these intelligence coups through the eyes, and mind-set, of their KGB handler might provide some historical context for the Snowden defection. So I invited Cherkashin to lunch at Gusto, a quiet Italian restaurant, located near the Chekov Theater in central Moscow,

Cherkashin, a tall thin man with silver hair, showed up promptly at 1 pm. Wearing an elegant grey suit and dark tie, he walked with a spry step. Since he had served in counterintelligence in the Soviet Embassy in Washington D.C. for nearly a decade, he spoke flawless English,

I began the interview with one of the more celebrated cases he handled: the KGB recruitment of Aldrich Ames. Ames, a CIA counterintelligence officer, had worked as a Russian mole between April 1985 and January 1994. In those nine years, he rose, or was maneuvered by the KGB, into a top position in the CIA's highly-sensitive Counterintelligence Center Analysis Group, which allowed him to deliver hundreds of top secrets to the KGB. In return, according to Cherkashin, Ames received in cash between $20,000 and $50,000 for each delivery, which amounted to $4.6 million over the nine years.

I asked Cherkashin about the weakness the KGB looked for in an American intelligence worker that might lead him to copy and steal top secret documents. How did he spot a potential Ames? Was it a financial problem? Was it a sexual vulnerability? Was it an ideological leaning?

"Nothing so dramatic," he answered. What he looked for when assessing Ames's potential was an intelligence officer who is both dissatisfied and antagonistic to the service for which he works."

"The classic disgruntle employee," I interjected.

"Any intelligence officer who strongly feels that his superiors are not listening to him, and that they are doing stupid things, is a candidate," he continued. He said he had found that the flaw in a prospect that could be most dependably exploited was not his greed, lust, or deviant behavior but his resentment over the way he was being treated.

"Is that how you spotted Ames?"

"Actually he approached us, not vice versa." It was his job in the CIA to approach opposition KGB officers. "But yes we saw the potential," he said.

Since Ames had been initially paid by Cherkashin $50,000 in cash for his first delivery, I asked whether he fit into the category of a disgruntled employee. "Wasn't he a mercenary/"

"I knew from our intelligence reports that he needed money for debts stemming from his divorce," he answered. "But he was also angry at the stupidity and paranoia of those running the CIA. Ames told me at our first secret meeting that they were misleading Congress by exaggerating the Soviet threat." Cherkashin evaluated Ames as a man who felt not only slighted by his superiors but "helpless to do anything about it" within the bureaucracy of the CIA. "The money we gave, even if he could spend only a small portion of it, gave him a sense of worth." He explained that the KGB had an entire team of psychologists in Moscow that worked on further exploiting Ames's resentment at his superiors.

The search for an adversary intelligence officer who resents his service was not limited to KGB recruiters. It was also the "classic attitude" that the CIA sought to exploit in its adversaries, according to its former deputy director. "You find someone working for the other side and tell him that he is not receiving the proper recognition, pay and honors due him," Michael Morell said, pointing out that the same "psychological dynamic" could be used to motivate someone to "act alone" in gathering espionage material.

I next turned to an even more important KGB coup: his Robert Hanssen case. Hanssen was the FBI counterintelligence officer who worked as a KGB mole for 22 years between 1979 and 2002 and had delivered even more documents to the Russian intelligence services than Hanssen. "Did Hanssen's dissatisfaction with the FBI, or his objections to its policies, play a role in his recruitment?" I asked.

"I didn't recruit Hanssen," Cherkashin replied, "He recruited himself. I never even knew his name or where he worked." He added: "So I knew nothing about his motivation other than that he wanted cash."

"So he was mercenary," I suggested.

"All we knew was that he delivered valuable documents to us and asked for cash in return." he said. "We didn't control him, he controlled us."

An uncontrolled mole that provided secrets to the KGB and SVR for 22 years was very different from fictional moles in the spy movies. I asked whether it would have been better if the KGB had him under its control.

"Possibly," Cherkashin answered, "but as it turned out Hanssen was our most valuable penetration in the Cold War."

Unlike Ames, whose nine-year career as a mole could be managed by the KGB, Hanssen decided what secret documents to steal and when to make contact or a delivery. He refused to even allow the KGB to suggest a site. All the communications with him were by letter or to a

phone number in a used car ad Except for putting money into a dead drop, the KGB played only a passive role in the espionage. "Could Hanssen really be called a mole?" I asked.

"A mole is a term used in spy fiction," he said. "We prefer to the more general term 'espionage source."

"So anyone who delivers state secrets to the KGB, for whatever reason, is an espionage source?" I asked.

"Certainly, if the information is valuable to us," Cherkashin answered. "Hanssen delivered secrets exposing American human and electronic operations against Russia. He was our most valuable espionage source. It is the delivery of secrets, not the methods used, that counts."

"If some unknown person simply delivered a trove of top-secret communications secrets to the doorstep of Russia would they it be accepted?" I asked with Snowden in mind.

"I can't say what the SVR would do today. I am long retired" he said, with a nostalgic shake of his head. "But in my day, we needed some reason to believe to believe the gift was genuine."

"Would you need to vet the person delivering it?"

"With Hanssen we did not have that opportunity," he said. "If we believed the documents were genuine, we would of course grab them."

The final recruitment I asked Cherkashin about was that of Ronald Pelton, the civilian employee of the NSA who had retired in 1979. Pelton had left the NSA without taking any classified documents with him. After retiring, he had financial difficulties, and he sought to get money from the KGB. On January 14, 1980, he walked into the Soviet embassy in Washington DC and asked to see an intelligence officer. After he was ushered into secure debriefing room, he said that he had information that Russia would find interesting, but he wanted money in return. What interested me about the Pelton case was that Cherkashin proceeded to recruit Pelton even though he was no longer working at the NSA, and Pelton no longer had access to the NSA. In addition, since the FBI had 24 hour surveillance on the embassy, Pelton had almost certainly been photographed entering it and also possibly had been recorded asking for an intelligence officer by electronic bugs that the KGB suspected that NSA had planted in the embassy. What did the KGB do in a situation in which ex-civilian employee at the NSA possessed no documents?

Despite the risks involved, Cherkashin decided Pelton had to be debriefed by communications intelligence specialists. So he had him disguised as a utility worker and smuggled out in a van to the residential compound of the Ambassador in Georgetown. A few days later, he was dropped off at a shopping mall, "Why did you go to such effort if Pelton had neither documents nor access to the NSA?" I asked.

"It was the information in his head that we wanted." Cherkashin said that as KGB rarely got access to any NSA officer, it was worth the risk. So he was given $5,000 in cash and a plane ticket to Vienna, where he was domiciled at the residence of the Soviet ambassador to Austria. A KGB's electronic communications expert, Anatoly Slavnov, was then sent to Vienna to supervise the Pelton debriefings. The debriefing sessions, which went on for 15 days, were from 8 AM to 6 PM. In them, Pelton managed to recall Project A, a joint NSA-CIA-Navy operation in which submarines surreptitiously tapped into Soviet undersea cables in the Sea of Okhotsk, which connected a to the Soviet Pacific Fleet's mainland headquarters at Vladivostok. Pelton received another $30,000 from the KGB.

"Did the information in his head proved valuable?" I asked.

"As long as the NSA didn't know the tap was compromised by Pelton, we could use the cable to send to the NSA the information we wanted it to intercept." He said while actual NSA documents would have proved more useful than someone's memories, "Our job is to take advantage of whatever we can get."

Two years later, Pelton was again flown to Vienna for a follow-up debriefing to see if he could recall any further details. Finally, in 1985, Pelton was arrested by the FBI and, like Ames and Hanssen, sentenced to life imprisonment.

Looking at his watch, Cherkashin politely excused himself, saying he had work to do. On parting, I signed a copy of my book on Angleton for him and thanked him for his insights.

Through the eyes of the KGB, a penetration of American intelligence was clearly opportunistic. If these practices continued, they put the Snowden case in a new light for me. If Russian intelligence considered it worthwhile to send an ex-civilian worker at the NSA, such as Ronald Pelton, from Washington D.C. 2,000 miles to Austria so that its specialists could debrief him on the secrets he held in his head, it would have an even greater interest in exfiltrating Snowden from Hong Kong to get, aside from his documents, whatever secrets he held in his head. If Russian intelligence was willing to opportunistically accept the delivery of U.S. secrets from an unknown espionage source that it neither recruited nor controlled, such as Hanssen, it would have little hesitancy in acquiring the secrets that Snowden had stolen on his own volition, even if Snowden acted for idealistic reasons. If Russian intelligence focused its search pattern on disgruntled American intelligence workers, such as Ames, it is plausible that it spotted Snowden through his Internet rants against U.S. surveillance. Even if it had missed Snowden in Hawaii, a disgruntled ex-civilian employee at the NSA would have received its full attention after he contacted Russian officials in Hong Kong. While the tactics of the SVR may have changed since Cherkashin retired, its objectives remained the same. And the NSA remained its principal target. Nor is there any reason to doubt that it still measures success in its ability to obtain, by whatever means, the secret sources and methods of its adversaries. Snowden was in a position, both with the documents he had taken and the knowledge he had in his head, to deliver the KGB such a

coup.

CHAPTER TWENTY-SEVEN

The Handler

As for his [Snowden's] communication with the outside world, yes, I am his main contact

--Anatoly Kucherena, September 23, 2013

Time was rapidly running out for me in Moscow. On November 1st, I still had not been able to make contact with Anatoly Kucherena, and my flight back to New York was in five days. My fixer, Zamir, had been trying to arrange an appointment for three weeks but he had only received one call back from Kucherena's assistant, Valentina Vladimirovna Kvirvova. She wanted to know how I knew Oliver Stone. He told her of my part in Stone's movie *Wall Street 2: Money Never Sleeps*. That was the last he had heard from her. Meanwhile a Moscow based journalist told me that she had waited 18 months to hear back from him giving up. I also learned from a Russian researcher that Kucherena had not given a single interview to any journalist since his television interview with Sophie Shevardnadze on September 23, 2013. And no Russian journalist, or any Moscow-based foreign journalist, had ever obtained an interview with Snowden. At this point, Zamir was becoming increasingly doubtful about getting my access to either Kucherena or Snowden.

But I had another contact in Moscow. When I had been investigating the 2006 Polonium poisoning of ex-KGB officer Alexander Litvinenko in London, I had interviewed a number of people in Moscow, including Andrei Lugovoy. A former KGB officer assigned to protecting the Kremlin's top members in the 1990s, Lugovoy later opened his own security company. In 2005, he became a business associate of Litvinenko's in gathering information, and made regular trips to London to meet with him. Since he had tea with Litvinenko at the Millennium hotel in London on November 1, 2006, the day Litvinenko was poisoned, he became the main suspect in the British investigation. He could not be extradited, however. After reconstructing the chronology of the crime, I established that Litvinenko had been contaminated with Polonium at a Japanese restaurant some four hours before his tea with Lugovoy. I therefore wrote that Lugovoy could not have poisoned Litvinenko in the Millennium hotel, a finding that he said he greatly appreciated.

Lugovoy was elected to the Duma in 2008, and also hosted a 24 part television series espionage for which he was personally decorated by Putin. He was also now reputed to be in the inner circle of power in Moscow. So I called him.

We arranged to meet in the lobby bar of the National Hotel. A short but well-built man with a bullet-style haircut, Lugovoy showed up promptly at 1 PM. After discussing some of the subsequent developments in the still-lingering Polonium investigation, I asked him if he knew Kucherena.

"I don't know him, but I know someone who does," he answered. "Why are you interested in seeing Kucherena?"

I told him that I wanted to speak to him about Snowden but that I had been unable to arrange a meeting.

"That's no problem," he said, raising his cell phone (which never left his hand.) He hit a number the speed dial, and spoke rapidly in Russian (which I do not understand.) He cupped his hand over the phone and asked how long I would be in Moscow.

After I told him that I was leaving on Friday, he spoke again in to the person on the other end. "You will have an appointment on Thursday," he said.

Later that afternoon Valentina, Kucherena's assistant, called to say that Kucherena would be happy to see me at his office at 6 PM on Thursday. I didn't ask Lugovoy who he had called or how this had happened. Clearly, whoever Lugovoy called had the power to arrange the meeting. Power evidently works in unseen ways in Putin's Russia.

Kucherena's office was only two subway stops from the National hotel, and I arrived ten minutes early. A receptionist showed me into a well-lit square room with an elegant table in the center. There was a sumptuous basket of exotic fruit on the table and large portraits of racehorses on the walls. Another door opened, and a tall, graceful woman came into the room and introduced herself as "Valentina." She was wearing a well-fitting black dress, striking jade necklace and high heels. When she asked whether I would like anything to drink, it seemed more like the prelude to an elegant dinner party than an interview about Snowden.

As Kucherena did not speak English, I brought Zamir along to translate for the conversation, but Valentina also spoke very good English. She apologized for the delay in responding to my requests, explaining that she received "thousands of requests" for interviews and did not have time to answer them. When I asked how many were answered, she shrugged and said "not many."

At that moment, Kucherena entered with a jaunty step, a cherubic face and an untamed white hair. He was wearing grey slacks, a partially buttoned cashmere polo sweater and a fully engaging smile.

As I had learned from his entry in Wikipedia, he was born in a small village in the Soviet Socialist Republic of Moldavia in 1960, and he had obtained his law degree from the All-Union Correspondence Law Institute in 1991. He opened his own law firm in Moscow in 1995. Kucherena's well-known friendship with Putin evidently had not hurt his law practice. His clients had included such well-connected defendants as Viktor Yanukovych, the overthrown president of Ukraine in 2014; Grigory Leps, a Russian singer blacklisted by the U.S. for allegedly acting as a money courier for a Eurasian criminal organization; Valentin Kovalev, a former Russian Minister

of Justice charged with corruption; and Suleyman Kerimov, a civil servant from Dagestan, who had amassed an estimated fortune of $7.1 billion. Kerimov recently had been charged for manipulating a Potash cartel case in Belarus. Most of these clients were reputed to be part of Putin's inner circle.

To break the ice, I asked him about Oliver Stone. I knew he had a small role in Oliver Stone's forthcoming movie "Snowden." in which he plays Snowden's lawyer in Moscow.

"I was impressed by how few takes he needed to shoot my scene," he answered.

"How did you come to be Snowden's lawyer?" I asked.

"Snowden picked me from a roster of 15 lawyers with which he had been given." He then went to Sheremetyevo International Airport to meet his new client. They met on the morning of Friday July 12, 2013. At that point, he said that Snowden had been held virtually incommunicado for 20 days. Other than Russian officials, the only person he had been allowed to see during this period was Assange's aide, Sarah Harrison.

"Where in the airport did you meet him?" I asked. Was it in a VIP lounge?"

"It was in the transit zone," he replied coyly. "That is all I can say." They spoke through a translator, as Snowden did not speak Russian. By this time, Sarah Harrison had sent 21 countries petitions for asylum that were signed by Snowden. Whatever their purpose, Kucherena did not consider them helpful. "I told him that if he wanted to get sanctuary in Russia, he would have to immediately withdraw all the petitions in which he had asked other countries for asylum." Kucherena said that otherwise he could not represent him. Snowden agreed to that condition.

Later that afternoon Kucherena accompanied Snowden to area G9 in the transit zone where they emerged from a door marked "authorized personnel only" shortly before 5 PM. The room was packed with representatives of Human Rights Watch, Amnesty International, Wikileaks and other Moscow-based activist groups. They had been invited the previous day by an emails signed "Edward Snowden" instructing then to go to Terminal F at Sheremetyevo International Airport where they would be met by airport personnel carrying a "G9." It was a rare, if not unprecedented, event, for an American citizen to defect to Russia.

Wearing an open-neck blue shirt and badly-creased jacket, Snowden read a prepared statement that accused the United States government of violating the universal declaration of human rights and described himself as a victim of political persecution. He then formally announced that he was "requesting asylum in Russia."

In discussing this meeting, Kucherena told me that Snowden had not intended to seek asylum in Russia when he arrived on June 23. Since he also said he had not met Snowden prior to July 12th, I asked how he knew Snowden's intentions.

"When I accepted the case, I received Snowden's dossier." He answered. "I was able to see all his interviews."

Presumably Snowden's dossier included his interviews with the FSB, SVR and other Russian security services. If so, it would explain how Kucherena could be so certain that Snowden had brought "material" with him to Russia that he had not provided to journalists in Hong Kong. Before meeting with Kucherena, I had met with Sophie Shevardnadze, the previously-mentioned grand-daughter of Politburo member Edward Shevardnadze and widely-followe3d television journalist. She told me that Kucherena had personally approved the translation of the interview into English. So I asked Kucherena about his 2013 interview with her, which was the last interview he had given about Snowden. It will be recalled that in response to a question about whether Snowden had secret material with him in Russia, Kucherena had said "certainly." Was this exchange accurate?

"It was accurate," he answered.

Snowden himself had said in Hong Kong that he had only given journalists some of the state secrets he had stolen and that he deemed others too sensitive for journalists. So I sought to find out from Kucherena which documents Snowden had taken to Russia. I went about it in a roundabout way. When Shevardnadze asked him about the secret material Snowden had might reveal in Russia, Kucherena pointedly called her attention to Snowden's CIA service, suggesting that he might possess CIA files. I also knew that in his roman a clef novel which Oliver Stone had optioned for $1 million, he had Joshua Frost, the thinly veiled Snowden-based character, steal a vast number of CIA documents that could do great damage to U.S. intelligence. By retaining them, Frost made himself a prime target of the CIA. So I asked "Is Joshua Frost fact or fiction?"

"I can't tell you that," he said, "If I said he was Snowden it would violate the attorney client privilege."

"I understand," I persisted, "But did Snowden do what Frost did in your book."

"That is for you to decide," he answered with a sly smile. "It's my first novel."

When I asked if he could arrange for me to see Snowden, he said that first I would have to first submit my questions to Ben Wizner, Snowden's American lawyer. He made it clear to me that the exposure of Snowden to journalists, or at least the vetting of journalists, had been outsourced to Wizner, "After that the final decision is up to Snowden," he said. That seemed to conclude the interview but, as I got up to leave, he added, "His legal defense is fairly expensive and Snowden is running out of money."

I was intrigued by this parting remark. Snowden, as far as I knew, didn't need a legal defense because he was not charged with a crime in Russia and the United States had no extradition treaty with Russia. But I asked, "Could I make a contribution to his defense fund?"

"It would be greatly appreciated," he said, "We will supply you with instructions to wire the money to our bank."

"How much should I send?"

"That's up to you," he said, getting up to walk me to the door. "I should add for the record that the contribution will not influence Snowden's decision to see you."

"I will send the wiring instructions" Valentina said as I left. "I hope you come back to Moscow."

While Kucherena did not arrange an interview with Snowden, as I had hoped, he did something I considered more important. He confirmed the accuracy of his September 2013c assertion that Snowden had brought secret material to Russia; material he had not given to journalists in Hong Kong. After what I learned from Cherkashin about the lengths that Russian intelligence would go to obtain U.S. communications intelligence secrets, I viewed Snowden's access to this material to be a crucially important part of the mystery.

As for Snowden, I would send my questions to Ben Wizner and, if he and Snowden approved them, I would fly back to Moscow. But I decided that I was not going to send money to Kucherena— or to Snowden.

PART SIX

CONCLUSIONS

CHAPTER TWENTY-EIGHT

Snowden's Choices

"It is the choices we make that show who we truly are"

J.K Rowling, the Philosopher's Stone

Whereas Russian authorities had the opportunity to thoroughly debrief Snowden as to his motive for stealing state secrets, US authorities did not have that opportunity (and it seems unlikely that they will have it in the foreseeable future.) So Snowden's motive is a missing part of the puzzle. It also cannot even be assumed that he had a single consistent motive during the nine-month course of his illicit copying of documents. Snowden has shown, if nothing else, that he is adaptable. He may have began taking documents for one reason and found other reasons as he proceeded in his quest. Many of the circumstances of his probes, contacts, theft and escape remain disputed by his supporters and shrouded by the secrecy of the NSA. What we do know is that Snowden made four extraordinary choices during the nine month period in 2013 that speak to the concerns that may have guided his actions. In the case of a classified intelligence breach, as in a chess game, the sequence of moves a player makes provides an important clue to his strategy.

The first move that Snowden made in preparation of the Level 3 breach was switching jobs on March 15th 2013. Snowden chose to leave his job as a system administrator at Dell SecureWorks to take job at Booz Allen as an analyst-in-training. His motive was not money, as it was a lower-paying position. At the time, he made this choice he had already set up an encrypted channel with Laura Poitras for the purpose of sending her secret material. But he did not have to change jobs to send her secrets. So what was his purpose in making this fateful choice?

The job change was not necessary to expose NSA domestic activities. If he had only wanted to be a whistle-blower, there were ample documents about the NSA's activities already available to him on the NSANet. He also had access at Dell to the administrative file which contained the FISA court orders issued every three months to Verizon. In addition, as the NSA's damage assessment established, before switching jobs Snowden had already taken most of the documents pertaining to the NSA's domestic operations that he could have supplied to Poitras and Greenwald for whistle-blowing purposes. Indeed, while still at Dell, it will be recalled, he had he had told Poitras he had a copy of Presidential Policy Directive 20, a document in which President Obama authorized the NSA to tap into fiber cables crossing the United States. Snowden described it to her as "a kind of martial law for cyber operations, created by the White House." True, he took a more recently-issued FISA warrant and PRISM presentation in April after switching jobs, but he could have just as easily taken the January 2013 version of the FISA warrant from the administrative file of Dell. It would have had the same explosive effect in the media.

Nor did he switch jobs to lessen the risk of getting caught. He actually put himself in far greater jeopardy by switching jobs. At Dell he was relatively safe from apprehension since he could take documents, such as the above-mentioned Presidential Policy Directive 20, from access points at the NSA shared by many of his peers. Since these shared access points provided the equivalent of a common reading room at a library, it would be difficult to trace the theft of any documents taken from them to a particular user. Indeed, if he just wanted to expose the NSA's domestic

operations, he could have done the entire operation at Dell. He even could have sent Poitras documents anonymously over his own TOR software and server. And he could have remained in his self-described "paradise" in Hawaii with his girl friend.

Yet he chose to move to Booz Allen he also greatly increased the risk of exposure because the auditing system at Booz Allen could trace back unauthorized copying (though not in real time.) Presumably he knew, as he later told Greenwald and Poitras, that stealing documents at the Booz Allen job meant that he would either go to prison or escape from America. He didn't want to face prison time, so the job change required an escape plan. In keeping with the latter option, only about a week after he started work at the Booz Allen-managed facility, he submitted a request for a medical leave of absence.

We can safely assume that the reason for him to make this risky switch in employment was because he wanted something beyond the whistle-blowing documents. He wanted now to get documents that were not available at the Dell job. One such document he took was the top-secret *Congressional Budget Justification Book for Fiscal Year 2013.* This "black budget," as it is called in Congress, contained the entire Intelligence Community's priorities for, among other things, monitoring the activities of potential adversaries and terrorist organizations. It specified the money requested by not only the NSA, but the CIA, DIA, National Reconnaissance Office and other intelligence services. Snowden could not have considered the budget illegitimate, since is duly approved by both houses of Congress and the President. Nor could he objected to its secrecy since he himself had sworn oaths to protect all classified documents to which he was privy for the past eight years. If it was not for purposes of whistle-blowing, presumably he had another purpose for taking such a document. It certainly held value to other actors. "For our enemies, having it is like having the playbook of the opposing NFL team," said CIA Deputy Director Morell in 2015. "I guarantee you that the SVR, the Russian foreign intelligence service, would have paid millions of dollars for such a document." Unlike Ames, Hanssen and Pelton, Snowden was not after money. He sought documents that enhanced his power and importance.

He made no secret of this part of his motive after he got safely to Hong Kong. As will be recalled in answer to a question from the journalist Lana Lam about his motive for changing jobs, he answered that he took the Booz Allen job to get access to secret lists that were not available to him by working for Dell. These documents certainly increases his value to other nations since they included Level 3 lists revealing the NSA's sources in Russia, China and other foreign countries.

Snowden also wanted more than NSA secrets. He used his new position, and widened access at Booz Allen, to go after secret documents from the intelligence services of Britain, Australia. New Zealand and Israel He revealed this operation only after receiving sanctuary in Russia. He told an interviewer that by moving to his new Booz Allen job as an infrastructure analyst he gained the ability to pry secrets out of the allied of the NSA. "I had a special level of clearance, called 'Priv Ac'," he said. This "priv ac" status, he further explained, allowed him to request files from other services cooperating with U.S. intelligence. By way of example, he described one file from the British GCHQ cipher service that he copied, stole and provided to other parties. It exposed a legally-authorized British operation to collect electronic data on terrorist matters in Pakistan by tapping into Cisco routers used by telecom companies in Asia. This GCHQ operation, as he himself recognized, violated neither British nor American law. He told a BBC interviewer in regard to that file:"What's scariest is not what the government is doing that's unlawful, but what they're doing that is completely lawful." So his criteria for taking such

documents were not their illegality. Nor did the fact they were lawful actions stop him from taking highly-sensitive GCHQ documents referring to them. In his five weeks at this Booz Allen job, he also used this same newly-acquired "Priv Ac" at the NSA to steal files from the Israeli, Canadian and Australian intelligence services.

Jumping from one outside contracting firm to another for the purpose of penetrating other/r western intelligence services is not the conventional mission of a whistle-blowing. In the parlance of intelligence operations, an employee of an intelligence service who changes his jobs\ solely to steal the more valuable secrets of services is called an "expanding penetration."

It is not possible to believe that Snowden did not know the damage that the highly-sensitive documents he was taking from the NSA and its allies. Even if they did not reveal any unlawful American activities, could do immense damage to Western intelligence. Indeed, he said as much once he got to Moscow. In respect to China alone, he told James Risen, the New *York Times'* national security reporter, in October 2013 that he had had "access to every [NSA] target, every [NSA] active operation" that could turn out the NSA's "lights" in China. He no doubt assumed that he had the same power to close down the NSA's operations in Russia.

His choice to switch jobs did not come out of the blue. It was not based on serendipitously discovering the documents after he began working at Booz Allen. . It was a carefully calculated move. As he told Lana Lam, he knew in advance that by switching to the job at Booz Allen he would gain the opportunity to take the lists of NSA sources. He knew that the NSA' secretive National Threat Operations Center's chief business was, as its name suggests, countering direct threats from China, Russia and other adversary states, and that, to deal with these threats, the NSA had used sophisticated methods to hack into the computers of adversaries. The NSA was even able to remotely gain entry to adversary computers that were not hooked into a network. "It's no secret that we hack China very aggressively," Snowden later said from Moscow. He had a planned target: getting the lists of the enemy computers that the NSA hacked into.

He also knew he was undertaking s a dangerous enterprise. He would tell Poitras in Hong Kong that the NSA would literally "kill" to protect their secrets. He also said he could be seized in a rendition operation by the CIA in Hong Kong. He even foresaw the probability that he "would be in an orange jumpsuit, super-max prison in isolation or Guantanamo."

He knowingly chose this course, despite the possibility of assassination or imprisonment, presumably because he believed the value of the secrets he would obtain by switching jobs outweighed the risk of imprisonment. Part of his calculus might have been the belief that the NSA lists, GCHQ documents and other material in his possession could give him great leverage, if he chose to exert it, in his future dealings with intelligence services (including the NSA.) If so, his choice to widen his access was also a choice to empower himself.

The second choice of consequence that Snowden made was to make Hong Kong his first stop. He had many other options. He could have remained in America, as almost all previous whistle-blowers in the past had chosen to do. If he did that, he would have to make his case in court (and, in that case, the level 3 documents he took might have been retrieved before they fell into unauthorized hands.) He could have also chosen to make a cross-border escape to a country that did not have an active extradition treaty with the United States. He could have, for example, taken a direct flight to Brazil, which has no extradition treaty with the United States. Brazil also had the advantage of being the home country of Glenn Greenwald, the journalist who he wanted to break the whistle-blowing story. As Greenwald seemed (at least to Snowden) hesitant to travel

12 times zones away to meet an anonymous source, Brazil also would have been a more certain place to meet Greenwald. If some consideration by Snowden precluded Brazil as a destination, Snowden could have also gone to Ecuador, Bolivia, Cuba, Iceland, or Venezuela, which are also countries that do not have active extradition treaties with the United States. Yet, instead of proceeding to a country from which he could not have been extradited, he flew to Hong Kong, which had a vigorously enforced extradition agreement.

His reason for choosing was not to keep a previously arranged rendezvous with a journalist. As previously mentioned, when he left Hong Kong not a single journalist had agreed to meet him in Hong Kong. Indeed, Gellman considered Hong Kong, as he put it, "in the jurisdiction of a country that's unfriendly to the United States," and notified Snowden that he would not be able to journey to Hong Kong. Yet, even without any appointments with journalists, he chose to fly to Hong Kong. So his choice was not based on either evading extradition or on accommodating journalists.

He chose Hong Kong for another reason. He told Greenwald Hong Kong, as a part of China, could provide him protection from any countermeasures by U.S. intelligence agencies. He made that consideration clear, saying that that Snowden's "first priority was to ensure his physical safety from US interference." Hong Kong "was part of China's territories, he [Snowden] reasoned, and American agents would find it harder to operate there than other places," according to Greenwald. Snowden further reckoned that China's control over Hong Kong prevented "American agents from breaking down the door" of the hotel room and from seizing him. Tyler Drumheller, a former CIA station chief, told me that Snowden was correct in his assessment of that Hong Kong advantage. Drumheller said that Hong Kong was "home court" for the Chinese intelligence services. It played a: dominant role" in running the police, airport passport control and security regime there. According to Drumheller, this reality limited the role that American and British intelligence operatives could play there and Snowden would be protected in Hong Kong against an intrusion by America. "Snowden obviously knew this from his training at the CIA," Drumheller said.

As the Chinese service was under no such restrictions, Snowden had gained protection at a price. While no US or British intelligence operatives would be in a position to retrieve the NSA files he had brought with him to Hong Kong, Chinese operatives, and their allies in the intelligence war, would have a free hand in Hong Kong. Yet, Snowden chose to put his physical safety in the hands of China.

One reason why Snowden may not have been overly concerned about Hong Kong's extradition treaty with the U.S. was that he had never intended to test it by staying in Hong Kong after his media events. Snowden told the editor of the *Guardian* from the safety of Moscow, Hong Kong was only a temporary stop over. He added in the interview that allowing himself to become part of an extradition proceeding in the Hong Kong court was not part of his plan. If so, the Hong Kong lawyers, who believed they had been retained *pro bono* to battle against extradition, were part of a charade. Hong Kong merely was a protected stopover. The stopover may have provided him with a further advantage. If he had gone directly to his next destination, Moscow, and he provided the same journalists with the same documents at a press conference in Moscow, his status as a whistle-blower might have been viewed with less sympathy in the media. Even the *Guardian*, for example, might have been reluctant to publish a Moscow-based story revealing British and American communications intelligence secrets,

The third choice Snowden made, and the choice that most effectively defined him to the public, was to reveal himself as the man behind the leak in a video in Hong Kong. He not only identified himself as the person who stole the government documents published by the *Guardian* and *Washington Post*, but he incriminated himself further on camera by allowing Poitras to film him actually disclosing NSA's secret operations to Greenwald. By disclosing classified data to Greenwald, an unauthorized person, he intentionally burned his bridges.

What makes this choice intriguing is that there was no evident need for him to expose himself in this way. If he merely wanted to be a whistle-blower, he could have, as Bradley Manning did, anonymously sent the documents to journalists as "Citizen 4." In fact, in late May 2013, that was exactly what he did. He sent Barton Gellman the PRISM scoop anonymously which the *Washington Post* published on June 6th, 2013. In that scoop, Snowden's name was not revealed. He also sent Greenwald and Poitras documents while he was still the anonymous source "Citizen 4." Neither Gellman nor Greenwald had suggested the need for a face-to-face meeting with Snowden. Even after he had revealed his true identity to Poitras and Greenwald on June 2nd 2013, *Guardian* editor Ewen MacAskill offered him the option of remaining an unnamed source for the stories. He said, as he later told *Vanity Fair*. "You should remain anonymous; the stories are just as good without you." However, anonymity was not part of Snowden's long game.

The reason he gave Greenwald in Hong Kong for going public in this way was to avoid any suspicion falling on his co-workers at the NSA. Yet, if merely wanted to take sole responsibility for stealing state secrets, he did not need to be the subject of a documentary. He could have simply allowed Greenwald to identify him by name as the source in the stories. That would not present an issue since he had not been identified by either name or position in the initial stories published on June 5th and 6th by Greenwald, Poitras and Gellman. In short, he did not act to defect suspicion from his co-workers for the initial investigation. Why now?

The one thing that Snowden could not accomplish by anonymously transferring the documents to journalists was a starring role in the drama. If he had appeared digitally-masked in Poitras' video with an altered voice, he would not achieve fame in the media. For that, he needed to allow Poitras to film him committing the crime of turning over NSA documents to Greenwald. This video was also the result of his advanced planning. Indeed, one reason he chose Poitras was that she was a prize-winning/ documentary film-maker who had already made a documentary about NSA whistle-blower William Binney. Snowden, while he was still working at the NSA in March 2013, made it clear how he intended to use Poitras' film-making skills. He told her: "My personal desire is that you paint the target directly on my back."

He chose to make himself the on-camera star of a 20-hour long reality show. This sensational footage would transform him in the public's mind into a selfless hero. It would be a mistake to assume that the central role he gave himself was an exercise in narcissism. It was an integral part of his personal transformation. After this globally-watched video, he was no longer a near non-entity servicing a computer system at a back-water NSA base in Hawaii. In the space of 12 minutes on television, he had emerged from the shadowy world of electronic intelligence and became one of the most famous whistle-blowers in modern history. It was a mantle that would allow him to also become a leading advocate of privacy and encryption rights as well the leading opponent of NSA spying. While this remarkable transformation may not have been his entire motive, it certainly was the result of the choice he made to go public.

The final choice he was made to board a non-stop flight to Moscow on June 23, 2013. To remain in Hong Kong once a criminal complaint was leveled against him would have meant that, at the very minimum, Hong Kong authorities would seize him and the alleged stolen property of the US government in his possession. Even if he was released on bail, the Hong Kong authorities would almost certainly retain all the NSA and GCHQ files he had gone to such lengths to steal. He also would not be allowed to leave Hong Kong and possibly denied any access to the Internet. As he demonstrated by his subsequent actions, this option was not acceptable to him.

Once the U.S. criminal complaint was unsealed on June 21, 2013, which became all but inevitable after his video, his only route out of Hong Kong went through two adversaries of the United States, China and Russia. China, as far as is known, did not offer him sanctuary. According to one U.S diplomat, it may have already obtained copies of Snowden's NSA files, and did not want the problem of having Snowden defect to Beijing. In any case, if it had not already acquired the files. It could assume it would receive that intelligence data from its Russian ally in the intelligence war. Whatever its reason, China did not use its considerable power in Hong Kong to block Snowden's exit.

Nor did Snowden obtain a visa to any country in Latin America or elsewhere during his month-long stay in Hong Kong. As in the oft-cited Sherlock Holmes' clue of the dog that did not bark, Snowden's lack of any visas in his passport strongly suggests that he had not made plans to go anyplace but where he went: Moscow. His actions here, including his contacts with Russian officials in Hong Kong, speak louder than his words.

Snowden chose, if he had any choice left at all, the Russian option. Just as he believed Chinese intelligence could protect him in Hong Kong from the United States, he could assume that the FSB could protect him in Moscow from the United States. He was not entirely na* ve about its capabilities. During his service in the CIA, he had taken a month-long training course at the CIA's "farm" at Fort Peary in which counterintelligence officer taught about the capabilities the Russian security services

To be sure, he might not have known that Moscow would be his final destination. He may have naively believed that Russia would allow a defector from the NSA who claimed to have had access to the NSA's sources in Russia and China leave Moscow before its security services obtained that information. But that was not to be.

It is not uncommon for a defector to change sides in order to find a better life for himself in another country. Some defectors flee to escape a repressive government or to find one in which they believe they are more closely attuned. But Russia is ordinarily not the country of choice for someone such as Snowden seeking greater civil liberties and personal freedom. So why did Snowden choose Russia for his new life?

The four choices that Snowden made in 2013 did not come out of the blue. They all were planned out well in advance. He applied for the job to Booz Allen in February 2013, more than a month before leaving his job at Dell. He applied to Booz Allen for his medical leave, although in fact he had no medical problem, a month before departing for Hong Kong. He brought with him to Hong Kong enough cash to pay his living expenses, according to him, for the next two years. He arranged the encrypted channel with Poitras in February 2013, three months before he would induce her to come to Hong Kong. He made contact with a foreign diplomatic mission at least a month before flying to Moscow and, at some point, met with Russian officials, who arranged a visa-less entry for him. He called Assange in London to arrange for Wikileaks help, 13 days

before departing to Moscow, and Assange accommodated him by laying down a smoke screen of decoy flights to facilitate his escape from Hong Kong and sending him a helper.

Taken together, these actions show that Snowden was determined to succeed where others before him had failed. He not only wanted to take full credit for stealing files from the NSA but he wanted to escape any American retribution for his act. His decision suggests to me a highly-intelligent, carefully calculating man who was hell-bent on finding a new life for himself in a foreign country. There is a common thread that runs through these four choices. It is a willingness to do whatever was necessary to achieve this new life, including disregarding his oath to protect secrets and instead transporting them on thumb drives to a foreign country. To protect himself, he was also willing to rely on the influence of an adversary intelligence services in Hong Kong and put himself of the hands of Russian authorities in Moscow. He also was willing to use some of his classified documents as a medium of exchange, if not bait, with journalist to get the public attention he sought. These choices paid off for him. The video presentation he partly authored changed his status in the eyes of the public from a document-stealer to whistle blower. Against all odds, Snowden succeeded in transforming himself from a low-level computer technician working, without any public recognition at the NSA into an internationally-acclaimed spokesman against the NSA's surveillance. And in Moscow, he could enjoy a safe life, free from the threats of a CIA rendition team dropping from the sky or extradition proceedings. He was now under the protection of Putin's Russia. As far as Snowden was concerned, as he told Gellman of the *Washington Post* on December 21, 2013 in Moscow, "The mission's already accomplished."

CHAPTER TWENTY NINE

The Whistle Blower Who Became a Controlled Source

"The [U.S.] government's investigation failed—that they don't know what was taken"

—Edward Snowden in Moscow

In Moscow I had learned that Russian intelligence services use the broad, umbrella term "espionage source" to describe moles, volunteers and anyone else who delivers another state's secrets to it. It applies not only to documents but to the secret knowledge that such a source is able to recall and includes both controlled and uncontrolled bearers of secrets. It is also a job description that fitted Edward Snowden in June 2013.

Unless one is willing to believe that the Putin regime acted out of purely altruistic motives in exfiltrating this American intelligence worker to Moscow, the only plausible explanation for its actions in Hong Kong was that it valued Snowden's potential as an espionage source. Snowden's open disillusionment with the NSA presented the very situation that the Russian intelligence services specialized in exploiting. He had also revealed to reporters in Hong Kong that he had deliberately gained access to the NSA's sources and methods and he that he had taken to Hong Kong highly-classified documents. He further disclosed that, before leaving the NSA, he had gained access to the lists of computers that the NSA had penetrated in foreign countries. He even went so far as to describe to these journalists the secrets that he had taken as a "single point of failure" for the NSA. And aside from the documents he had copied, he claimed, it will be recalled, that he had secret knowledge in his head that, if disclosed would wreak havoc on the entire U.S. foreign intelligence system. "If I were providing information that I know, that's in my head, to some foreign government, the US intelligence community would … see sources go dark that were previously productive, he told the editor of the *Guardian* in Moscow.

In short, he advertised possessing precisely the priceless data that the Russian intelligence services had been seeking, with little success, for the past six decades. These electronic files could provide it with the keys to unlock the NSA's entire kingdom of electronic spying. Could any world-class intelligence service ignore such a prize? To miss the opportunity to gets in hands such a potential espionage source would be nothing short of gross negligence.

In fact, as has been already established in these pages, this golden opportunity was not missed in Hong Kong. Even if the Russian intelligence service had not previously had him in its sights – which, as discussed in chapter XV, appears to me to be extremely unlikely-- he made contact with Russian officials in Hong Kong, and Putin, as he himself said, personally approved allowing

Snowden to come to Russia. Putin's s decision no doubt set in motion the operation to exfiltrate him on Aeroflot, the state-controlled airline.

We know that the Russian government acted in advance to facilitate Snowden's trip from Hong Kong. Without such an intervention, it would not be possible for an American without an entry visa to Russia, or, for that matter, any other country to check-in and board an Aeroflot flight to Moscow. Aeroflot had to be instructed to allow Snowden on the plane without a visa. We also know that a special operation was mounted to take Snowden off the plane once it landed in Moscow. Such an operation could not have been done without advance planning. Nor would he be removed from the plane without a plan for his stay in Russia. Since Putin himself has taken credit for authorizing Snowden's trip to Russia, there is no reason to doubt that these plans, and whatever cover stories were deemed necessary, were approved at the highest level of the regime.

When an intelligence service makes such elaborate preparations for extracting a foreign intelligence worker, it presumably also expects to debrief him or her on arrival. Pelton, for example, who had access to far less valuable information than had Snowden, was held incommunicado in Vienna for two weeks during his debriefing. What would be inconceivable would be for an intelligence service to go to such lengths to bring a potential espionage source such as Snowden to Russia and allow him to catch the next plane to Latin America. The false report provided to the press that Snowden was flying to Latin America was likely nothing more than a cover story to confuse foreign observers while he was receiving his initial debriefing and evaluation.

When it comes to the esoteric enterprise of reconstructing the work of U.S. signals intelligence, military as well as civilian experts in cryptology, computer sciences and communications are necessary. Unlike in the case of Pelton, Snowden had secret material in his possession, at least according to Anatoly Kucherena. Even if Russian intelligence had already acquired copies of his electronic files prior to Snowden's arrival in Moscow, Snowden's interpretation of them would be part of the debriefing since intelligence data needs to put in context. "This debriefing could not be done overnight," according to a former high-ranking officer in the GRU, the Russian military intelligence service. "There is no way that Snowden would not be fully debriefed," he said. He also said GRU specialists in signal intelligence would be called in.

We know that the Putin regime paid a significant price in terms of the cancellation of the pre-Olympics summit with Obama. Having to accept the onus of declining relations with the Obama administration, it is hard to believe that it didn't attempt to get the bonus of signals intelligence from Snowden. The GRU, SVR and other Russian intelligence services would not be denied the opportunity to y question Snowden until to all they had squeezed out of him whatever state secrets he had or knew during the 38 days that he had vanished from public sight. Since Snowden was rewarded with sanctuary, a residence and body guards, there is no reason to doubt that he satisfactorily accommodated his interrogators. While he might elect to continue believing that he a whistle-blower true to his ideals, as far as Russian intelligence was concerned, he was an espionage source. /

For an intelligence service, the game is not over when it obtains state secrets. It still needs to fog over the extent of its coup, as far as possible, to prolong the value of the espionage. Hence it is plausible that the story that Snowden had thoroughly destroyed all his data he stolen the prior month prior to departing for Russia as well as the story that he had turned down all requests to be questioned by the FSB and other Russian intelligence officials were part of his legend. The repetitions of these uncorroborated claims in his press interviews also may have enhanced his public image for the ACLU effort to get clemency for him. Even so, in view of the importance of

such communication intelligence to Russia, it would be the height of naiveté for U.S. or British intelligence to accept such claims as anything more than part of the cover story.

As for the Snowden's motive, I see no reason to doubt Snowden's explanation that he stole NSA documents to expose NSA surveillance that he believed was an illicit intrusion into the privacy of individuals. Such disaffection is not a unique situation in the intelligence business. Many of Russia's espionage sources before Snowden were also dissatisfied employees who had access to classified secrets. Like some of them, Snowden used his privileged access to blow the whistle on what he considered to be the improper activities of the organization for which he worked. In that sense, I fully accept that he began as a whistle-blower, not as a spy. It was also as a whistle-blower that he contacted Laura Poitras, Glenn Greenwald and Barton Gellman, who published the scoops he provided in the *Guardian, Der Spiegel* and *Washington Post,*

Snowden's penetration went beyond whistle-blowing, however. He copied a vast number of electronic files, including the level 3 files that contained the NSA's most sensitive sources and methods. While these files had little, if anything, to do with domestic surveillance or whistle-blowing, they gave him the sense of power he demonstrated in asserting that he could make all of U.S. communication intelligence "go dark" all over the world. We know from Kucherena that he did not share part of data with journalists. Instead, he took it to Russia.

As far as carrying out the most damaging part of the operation, he could not have acted entirely alone. It will be recalled that the deepest part of his penetration was during the five weeks he worked at the National Threat Operations Center in Hawaii as a contract employee of Booz Allen Hamilton. It was there that he copied level 3 files, including the so-called road map to the gaps in American intelligence. During this period, as discussed in Chapter III, Snowden had neither the passwords nor system administrator's privileges that would allow him to copy, transfer and steal the electronic files. He therefore must have obtained that assistance from some who had the passwords and privileges. Even if that reality does not sit well with the NSA administration, there is no reason to assume that Snowden was the only disgruntled employee at that NSA facility in 2013. That a dozen or so NSA co-workers attended his anti-surveillance Crypto party in 2012 shows that others shared his sensibilities and antipathy towards NSA surveillance. It therefore seems plausible to me that he found a co-worker willing to cooperate, or vice versa, a co-worker found him. To be sure, Snowden might not have been aware of his new accomplice's true motives or affiliations. But without some co-worker providing him with entry to the sealed-off computers, he could not have carried out the penetration. To our knowledge, whoever helped him evidently did not want to expose himself to prosecution or defect from the NSA. That was Snowden's role. By accepting the sole blame in the video that Poitras made about him in Hong Kong, Snowden shielded anyone else from suspicion, which was, as he told Poitras, his purpose, Whoever helped him may still be working at the NSA.

To be sure, there remains another glaring gap in the chain of events that led Snowden to Moscow: his whereabouts and activities during his first eleven days in Hong Kong. Mike Rogers, the chairman of the House Select Committee on Intelligence, even speculated that Snowden might have been taken to mainland China during this period. What drove his speculation was the admission of U.S. intelligence that, despite its vast global resources for searching credit card charges, banking transactions, hotel registrations, emails, police records and even CCTV cameras, neither it, nor its allies, were able to find a trace of Snowden. It was, in a phrase later made famous by former Secretary of Defense Donald Rumsfeld. "A known unknown." Yet there

provided no basis to speculate that he was in mainland China. He could have been staying in a well-prepared safe-house anywhere in Hong Kong or even at the home of an unknown associate. All that is really known is that soon after he emerged from this venue and gave his celebrated interview to journalist he was aboard an Aeroflot plane bound for Moscow where he would become, if he was already, a potential espionage source for Russia.

Whatever his initial motivation may have been, Snowden's actions would appear squarely at odds with his assertions of serving his country's interests. Even accepting that he began with a sincere desire to be a world-class whistleblower, his mission evolved, deliberately or not, into one that led him to disclose key communications intelligence secrets to a foreign power with an agenda that can hardly be aligned with his country's interests. In the end, it is Snowden's actions, not his words that matter.

EPILOGUE

THE SNOWDEN EFFECT

CHAPTER THIRTY

The Consequences for the 'War on Terrorism' "

"Because of a number of unauthorized disclosures and a lot of hand-wringing over the government's role in the effort to try to uncover these terrorists, there have been some policy and legal and other actions that make our ability collectively, internationally, to find these terrorists much more challenging."

CIA Director John Brennan in response to the Paris attack, November 2015

In the evening of November 13, 2015, normal life in Paris was brought to a screeching halt by nine Jihadist terrorists acting on behalf of ISIS. Three blew themselves up at the stadium at Saint-Denis, where President Hollande was attending a match between France and Germany, while the others shot killed 130 people at cafes, restaurants and a theater. 388 others had been wounded in the carnage. The attack was planned over many months by Abdelhamid Abaaoud, a 28-year old Belgium citizen of Moroccan origins, who served ISIS as a logistics officer in Syria in 2014. To organize the attack, he smuggled three suicide bombers into Europe through Greece, raise financing, set up a base in the Molenbeek section of Brussels, import deactivated assault weapons from Slovenia (which then had to be restored by a technician), buy ammunition, acquire suicide vests, obtain "burner" cell phones, rent cars and make on-line bookings for quarters in Paris for the nine attackers.. Even though Abaaoud was well known to western intelligence services, none of the communications surrounding the preparations for the attack came to the attention of the NSA or its allied services in Europe.

Those Paris attackers who did not kill themselves with their suicide vests were killed by the police, but the real challenge in such a terrorist operation is not bringing culprits to justice after the massacre civilians. It is preventing them from carrying it out. As "soft targets," such as restaurants, cafes, theaters and street gatherings, cannot be continually protected by police, the only practical means by which a government can prevent such attacks is to learn in advance about their planning and preparations. One means of acquiring this information is by listening in on the channels through which members of loosely-knit terrorists organizations, such as ISIS, communicates with one another. This form of intelligence-gathering obviously works best so long as the terrorists remain unaware that the communication channels they are using are being monitored. Once they find out that their messages and conversations are being intercepted, they will likely find a safer means to communicate important information. For that reason, communications intelligence organizations keep the sources and methods they employ for monitoring these channels in a tightly-sealed envelope of secrecy.

Yet, in June 2013, the NSA found that envelope had been breached by Snowden who deliberately compromised three programs that it used to keep track of terrorist organizations around the world. The first system he divulged, and the one which though it received the most public attention, did the least damage, was what the NSA called the 215 program because it had been authorized by section 215 of the Patriot Act of 2001. This program amassed, the billing records of every phone call made in America that could be used as a data base by the FBI. The idea was that when any foreigner on the FBI's watch list of terrorists called anyone in the U.S. the FBI could trace that person's entire chain of telephone contacts to try to determine if he was connected to a terrorist cell. There was, however, a major flaw in this program: it did not cover e-mail and other Internet messaging, which 2013 had largely replaced telephone calls. In addition, terrorist organizations had become fully aware of the vulnerability of telephoning overseas. So although the NSA could cite a handful of early successes that "215" yielded, Snowden's exposure of it did only limited damage/

But Snowden did not stop with "215." He next did vastly more damage by exposing the PRISM program also called "702" since it was authorized in 2007 by section 702 of the Foreign Intelligence Surveillance Act.) Since a large part of the fiber cables on which the world's Internet runs pass through the United States, the NSA was able to intercept 91 percent of its data, including Google searches, social media postings, Skype conversations, messages on Xbox Live, Instant messaging services, tweets on Twitter and e-mails. The CIA and FBI could then track the movements of foreign terrorists. Up until June 6, 2014, terrorist groups presumably were unaware of the NSA's capacity to vacuum in even encrypted parts of the Internet since they used it for their lethal planning. This ignorance gave U.S intelligence an important edge in pre-empting terrorist actions. According to the testimony of General Alexander, data intercepted under PRISM helped detect and thwart no fewer than 45 terrorist attacks prior to Snowden's making this capability known.

The third NSA program of interest to Jihadists that Snowden revealed was called XKeyscore. Using Internet data from PRISM, it created the equivalent of digital fingerprints for suspected foreign terrorists based on their search patterns on the Internet. This made it difficult for a terrorist suspect to hide on the Internet. He might attempt to evade surveillance by using a different computer and another name but, unknown to him, the XKeyscore algorithms would continue to track him under his new alias.

To even further enable furtive Internet users evade surveillance, Snowden provided in an interview specific data about the secret sources and methods used both the NSA and British GCHQ. He revealed, for example that the GCHQ had deployed the first "full-take" Internet interceptor that "snarfs everything, in a rolling buffer to allow retroactive investigation without missing a single bit." When asked how to circumvent it, he replied: "you should never route through or peer with the UK under any circumstances. Their fibers are radioactive, and even the Queen's selfies to the pool boy get logged." Aside from this warning about using Internet providers whose wiring passes through Britain, he also warned Internet users against using the services of American Internet companies since the NSA considered "telecom collaborators to be

the jewels in their crown of omniscience. " Snowden also suggested that to avoid being automatically "targeted" by the NSA, one should avoid "jihadi forums." These tips for evading U.S. and British surveillance, far from being an off-hand leakage of information, were supplied by him in written answers to interrogatives sent to him by Laura Poitras and Jacob Appelbaum while Snowden was still on the NSA payroll in May 2013. If he intended to damage the NSA's ability to monitor unsuspecting individuals abroad, he clearly succeeded. Just as Robert Hanssen had compromised the NSA's interception of communication at the Soviet Embassy in the 1990s, Snowden compromised the NSA's interception of Jihadist targets on the Internet.

The Snowden intervention was soon felt by the CIA. "Within weeks of the leaks," writes Michael Morell, then CIA deputy director. He notes that "Terrorist organizations around the world were already starting to modify their actions in light of what Snowden disclosed. Communication sources dried up." What heightened Morell's concern about this loss of intelligence sources was the discovery a 26-page document on an ISIS computer in Syria indicating that the terrorist group had been considering using plague germs and other biological weapons on foreign targets. The NSA was also seeing the Snowden effect on the war on terrorists. In 2013, the FBI, CIA, and DIA had compiled a watch list of some 400 foreign terrorist targets for NSA's PRISM program. Up until June 6th, many of these targets frequently used Internet services, such as Twitter, Facebook, and Xbox live, to send what they believed would be hidden messages. After the PRISM story broke in the Washington Post on June 6th, the NSA "saw one after another target go dark," according to a senior executive involved in that surveillance. In 2014, Admiral Rogers, the new NSA director, was even blunter. Asked whether or not the disclosures by Snowden had reduced the NSA's ability to pursue terrorist, he answered: "Have I lost capability that we had prior to the revelations? Yes."

In Moscow, Snowden insists that not a single death has been traced back to his disclosures. I agree that it would be unfair to jump to the conclusion that he is responsible for any single event, such as the massacre in Paris in November 2015, because we cannot know whether or not a jihadist involved in the event, such as Abdelhamid Abaaoud in the case of Paris, would have used the Internet if Snowden had not exposed the interception of it by the NSA. But however sincere were his intentions, Snowden cannot escape his responsibility for his actions. He totally and purposefully compromised an intelligence operation that could prevent such villainous attacks.

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CHAPTER THIRTY-ONE

The Consequences for America: The Good, the Bad and the Ugly

[TK]

END NOTES

Prologue

On The Trail of Snowden

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APPENDEX A

SPIES AND ESPIONAGE SOURCES

[TK]

From: Richard Kahn [[redacted]]
Sent: 4/27/2018 8:25:30 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Will Cohen Cooperate? Tenuous Finances May Provide Crucial Clues

Importance: High

shockingly it appears he has some money in real estate deals…

Will Cohen Cooperate? Tenuous Finances May Provide Crucial Clues
2018-04-27 08:00:00.2 GMT

By Shahien Nasiripour and Caleb Melby

(Bloomberg) -- In the two weeks since federal agents seized the files of Michael Cohen, President Donald Trump's personal attorney and fixer, a question has hovered: Will Cohen cooperate with investigators?

His decision could depend in part on whether he can readily shoulder the enormous legal fees required to fight a federal probe of this magnitude.

At first blush, Cohen looks like a pretty rich man. He drives a white Rolls Royce, sports a $50,000 watch and owns a fair amount of Manhattan real estate.

But just as his loyalty to Trump is coming under scrutiny, a more tenuous financial picture is emerging. A taxi business he and his wife built is deeply in debt and losing money daily, his commercial real estate is throwing off only modest income, and his legal and consulting work is on hold while he remains under investigation.

Cohen declined repeated requests to comment.

The owners of 32 New York City taxi licenses -- known as medallions -- he and his wife, Laura, took out at least 16 loans based on their once-soaring value, liens show. With the rise of Uber and Lyft, the price of a medallion has fallen from more than $1 million to around $163,000 in the past four years. Income from the taxi business has plummeted, and millions of dollars of the Cohens' loans went under water. Their bank said in a November public filing that it had loans out to three taxi borrowers, and all were at high risk of default.

Suspended Medallions

Unpaid taxes and fines have piled up at the Cohen taxi companies, triggering a suspension of about half of the medallions, city records show, squeezing cash flow.

Whatever monthly income the cabs once produced almost certainly fell well short of the debt payments owed to Sterling National Bank, their Montebello, New York-based lender. Sterling has foreclosed on operators in similar situations and sued them but appears to be taking a less-confrontational approach with the Cohens. On Tuesday, the bank agreed to new loans for their companies and to Cohen personally, public filings show. Sterling declined to comment.

The taxi business isn't the only part of Cohen's empire that's suffering. The law firm Squire Patton Boggs said it ended its "strategic alliance" with Cohen after law enforcement raided his offices, and the rest of his legal work could decline for the same reason. Cohen, 51, makes others' ugly problems disappear, a practice that was previously lucrative. Essential Consultants LLC, a company affiliated with Cohen, was paid $250,000 after he negotiated a $1.6 million payment to a former Playboy model on behalf of Republican National Committee official Elliott Broidy, according to a Wall Street Journal report.

Sean Hannity

Cohen has said in court that he had only three legal clients during the past year: Broidy, Trump and talk-show host Sean Hannity. He gave seven others "strategic advice and business consulting."

Last month Cohen said he borrowed from his home-equity credit line to make a $130,000 payment in October 2016 to Stormy Daniels, an adult-film star who says she had sex with Trump.

In a Thursday morning appearance on "Fox & Friends," Trump distanced himself from Cohen, saying he did only "a tiny, tiny little fraction" of Trump's legal work, but it included representation "on this crazy Stormy Daniels deal."

Russian Interference

Cohen is under investigation for bank fraud and violating campaign-finance law. But his decade at Trump's side as his lawyer and enforcer could yield information he might trade to investigators looking into the Trump campaign and Russia's interference in the U.S. election.

Still, if he chooses to defend himself, Cohen does have assets. Companies he signs for own two investment properties purchased in 2015. The larger one, with 92 units on New York's Upper East Side, is 38 percent owned by Cohen's companies. The businesses also appear to be the sole owner of a downtown building with 20 units.

Together they likely generate less than $1 million in annual net income for Cohen's companies after accounting for partner interests, expenses and financing costs, data compiled by Bloomberg show. Debt against the buildings is low, meaning that Cohen could tap them for cash. Last October, the Cohens sold a unit at Trump World Tower, near the United Nations, for $3.3 million.

Cohen has been a savvy property investor. He previously owned four buildings in need of repairs in Lower Manhattan, rehabilitated them and sold them for $32 million in 2014, more than doubling his initial investment.

'Cautious, Methodical'

Richard Guarino, a partner at Friedman-Roth Realty, has worked with Cohen on a handful of deals, including the purchase of his Upper East Side building. As a real estate investor, Cohen is "cautious, methodical, smart and, I think, conservative," Guarino says.

Cohen's current business partners are a family of New York real estate lawyers headed by Herbert Chaves. The family, having just sold a plot of Brooklyn land to a partnership including the family company of Jared Kushner, were looking to reinvest their gains when they bought Cohen's Lower Manhattan buildings in 2014. Months later, they partnered with Cohen to buy the Upper East Side property, 330 East 63rd Street. Guarino, a broker on the deal, says he dealt only with Cohen, who served as a representative for the investor group even though the Chaves family companies hold the majority stake.

Purchased for $58 million, the squat, brown-brick seven-story building has only a $17 million mortgage, meaning Cohen's share has at least $15 million of equity he could borrow against if his partners allowed him to do so. Another property at 133 Avenue D, not previously reported to be owned by Cohen, has at least $5 million of equity not tapped by a mortgage. But more debt means more risk and could hurt Cohen later if the taxi business doesn't turn around to help cover higher interest payments.

Park Avenue

One property that may prove harder to extract cash from: Cohen's palatial Park Avenue home. Purchased for $5 million in 2005, the sprawling 10th-floor unit used to be three separate apartments and has four bedrooms. It could be worth $8 million or more, based on comparable sales.

In late 2015, the Cohens moved the property into a type of trust designed to limit tax exposure when transferring property to heirs. The trust structure has tax consequences for typical mortgages, but those could be dodged if the Cohens took out an interest-only loan.

In February 2016, Laura Cohen, in her role as a trustee of the new entity, did just that, taking out a revolving $500,000 home-equity line of credit against the property from First Republic Bank. It was the first time the family had borrowed against the property since a loan of more than $2 million 11 years earlier when they bought it, property records show.

There are also Cohen's in-laws, who may pitch in to a legal-defense effort. Fima and Ania Shusterman, who haven't responded to requests for comment, emigrated from Ukraine and built their own taxi empire over decades while helping Cohen expand his across New York and Chicago. They own three units in Trump World Tower. In an indication of their willingness to help those close to them, the couple have lent $20 million to another Ukranian couple in the taxi business, Semyon and Yasya Shtayner and their companies.

Richard Kahn
HBRK Associates Inc.
575 Lexington Avenue 4th Floor
New York, NY 10022
tel [redacted]
fax [redacted]
cell [redacted]

From: Steve Bannon [redacted]
Sent: 7/22/2018 11:25:42 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Fwd: Re:

Importance: High

Translation to follow

Begin forwarded message:

From: Benjamin Harnwell <[redacted]>
Date: July 22, 2018 at 4:32:45 PM EDT
To: Steve Bannon [redacted]>
Subject: Re:

It was that article in *La Repubblica* which you asked to be translated this afternoon.

In Sacratissimo Corde Iesu et Purissimo Corde Mariae et Castissimo Corde Ioseph.

****

Benjamin Harnwell
Founder and President of the Board of Trustees
Dignitatis Humanae Institute

Cell: [redacted]
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Il giorno 22 lug 2018, alle ore 22:21, Steve Bannon [redacted]> ha scritto:

Where is this

On Jul 22, 2018, at 4:02 PM, Benjamin Harnwell <[redacted]> wrote:

Bannon the European: He's opening the populist fort in Brussels

The former Trump strategist arrives in Europe with "The Movement". Objective: an alliance between right-wing leaders, from Salvini to Orbán in view of the 2019 elections

NEW YORK. The invasion of Europe has begun. Steve Bannon, 65, the American far-right guru who was Donald Trump's right-hand man in the White House — but let go last summer following the racist violence in Charlottesville — is preparing to march on Brussels. Launching, he told the Daily Beast himself, a new non-profit foundation called The Movement, (Il Movimento), right in the heart of Europe and its institutions. Through which he hopes to coordinate the populist right in view of the European elections which will be held in spring 2019.

Objective: to compete with George Soros, the American billionaire of Hungarian origin, benefactor of the Democratic party, who since 1984 with his Open Society has spent at least $32 billion in support of NGOs dealing with human rights. And for this he became the bogeyman of the populist right, accused of plots of all kinds: including that of wanting to replace Italians with immigrants in order to have labour at low cost. A mantra repeated in the past on Twitter also by the current Minister of the Interior Matteo Salvini.

The ambition of Steve Bannon, former director of the alt-right American site Breitbart — which in the European campaign preceded him since the platform had already opened bureaux in London and Rome — is therefore to become the coordinator of the one great "populist international" of which he has long since been dreaming.

The Movement, in fact, intends to function as an extreme right-wing think tank: a source of strategic advice to channel the not-so-politically structured discontent of the most extreme European movements. Analysing data and giving strategic advice. But also by raising funds and channeling funding.

The aim is to create a populist alliance, a sort of "super group" that if victorious can conquer up to a third of the European Parliament in the elections next May.

Indeed — putting the common policy of the Old Continent in the hands of Bannon and his own. The American strategist is very attached to the Freedom Caucus — the extreme right of the US Congress — and in 2014 he was at the top of the Cambridge Analytica company, which in 2016 used data stolen from Facebook to try to influence the presidential election from which Donald Trump emerged victor. It is not a mystery that for a long time he courts nationalists of the right from East to West. And he has already met, among others, the Hungarian Orbán, the French Marine Le Pen and the former leader of the British separatists Nigel Farage. The latter reappeared, coincidentally, on Friday in Pennsylvania, USA, to a fundraiser in favor of the Republican congressman Lou Barletta. Without forgetting the Italians of Lega and 5 stars. Of them, he said: "If it works in Italy, we can import the model anywhere".

The Movement, which for now will count on a staff of 10 people, will be fully operational in 2019. In short, after the American midterm elections, where Bannon is fighting to influence the primaries supporting candidates potentially able to undermine the prospects of Republican establishment. But in the future the former spin doctor says he wants to spend more and more time in Europe. Also because the relationships with Trump have worsened after the revelations he made to Michael Wolff and published in the scandal book "Fire and Fury". "Better to reign in Hell than to serve in Paradise," Bannon says now

paraphrasing the Satan of one of his favorite books, John Milton's Lost Paradise. Hell in this case would be the dear old Europe and its democratic values. The “army of darkness” is already among us.

In Sacratissimo Corde Iesu et Purissimo Corde Mariae et Castissimo Corde Ioseph.

****

Benjamin Harnwell
Founder and President of the Board of Trustees
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Il giorno 22 lug 2018, alle ore 15:38, Steve Bannon <[redacted]> ha scritto:

What does this say???

Begin forwarded message:

From: Maria Luisa <[redacted]>
Date: July 22, 2018 at 9:11:58 AM EDT
To: Steve Bannon <[redacted]>, Preate Alexandra <[redacted]>

<PHOTO-2018-07-22-10-02-17.jpg>

Sent from my iPhone

From: Steve Bannon [redacted]
Sent: 8/27/2018 6:11:26 PM
To: jeffrey E. [jeevacation@gmail.com]
Subject: Fw: The 'Deplorables' Called Into Battle Again - WSJ

Importance: High

Sent via BlackBerry by AT&T

From: Alexandra Preate <[redacted]>
Date: Mon, 27 Aug 2018 10:37:29 -0400
To: Steve Bannon<[redacted]>
Subject: The 'Deplorables' Called Into Battle Again - WSJ

https://www.wsj.com/articles/the-deplorables-called-into-battle-again-1535376353?mod=mhp

The 'Deplorables' Called Into Battle Again

As midterms near, President Trump's former political guru Steve Bannon rallies the troops

Gerald F. SeibAug. 27, 2018 9:25 a.m. ET

By
Gerald F. Seib

Steve Bannon doesn't do subtle. So it's no surprise that there's nothing subtle about the new movie President Trump's onetime political guru has produced to energize the Trump base for this year's midterm elections.

It's entitled "Trump at War," and it's an hour and 15 minutes of pure Trumpian adrenaline. It opens with a series of shots of Trump supporters being attacked by angry opponents, shifts to outtakes of Trump supporters proudly accepting the "deplorables" label bestowed by Hillary Clinton during the 2016 presidential campaign, runs through a long series of angry ripostes at Trump detractors and praise of administration policy moves, and closes with dire warnings of the need to vote for Republicans in 2018 to head off efforts by liberals to impeach the president.

Mr. Bannon previewed the film for some Republican supporters in Dallas recently, but the big premiere is scheduled for Sept. 9—chosen because it is the second anniversary of the speech in which Mrs. Clinton used the "basket of deplorables" phrase. The location? The very club in Manhattan where Mrs. Clinton made the speech, which has been rented for the occasion.

Aside from what they say about Mr. Bannon as a political provocateur, the film and its unveiling also reveal a lot about how people in the president's circle increasingly see this year's midterm election: Its importance is growing every day; Republican success starts with turning out core Trump supporters; and the best way to motivate them is by brandishing the fear of impeachment proceedings if Democrats win control of Congress.

Steve Bannon believes the specter of impeachment will motivate mainstream Republicans as well as core Trump backers. Photo: J. Scott Applewhite/Associated Press

"This is all grass roots," Mr. Bannon says. "It's 2016 all over again…This is Trump's first re-election."

The political calculus behind such thinking is pretty simple: In 19 months as president, Mr. Trump has hardened his grip on his base of supporters and the GOP overall, but has done little to expand that base.

Meanwhile, as the Labor Day kickoff of the fall campaign approaches, Republicans face a Democratic party whose activists appear exceptionally motivated—to campaign, donate money and turn out in November.

Republicans need something to match that fervor. That something is the Trump base—and the best motivating tools are anger and fear.

In this case, that means specifically the fear that Special Counsel Robert Mueller, New York prosecutors and a Democratic Congress will conspire to kick Mr. Trump out of office. That's why Republicans are talking about the specter of impeachment, not Democrats. Democrats know impeachment talk is a surefire way to motivate the other side.

But there's a problem in this GOP formula: A motivated Trump base is necessary for Republicans to head off disaster in November, but it's not sufficient, at least not if Democrats remain as energized as they appear today. The Trump base has to be married with more mainstream Republicans—the kind hardcore activists refer to as RINOs, or "Republicans In Name Only"—and with some independent voters.

Right now, independent voters are hard to read. Their sentiments have been shifting around a lot in Wall Street Journal/NBC News polling in recent months. As a general rule, they have a low regard for Mr. Trump personally and appear weary of the atmosphere of constant crisis around him. But the polling also indicates they increasingly like how Republicans are handling the economy, appreciate the GOP tax cut and think the party is changing the way things work in Washington.

That leaves moderate Republicans, of whom Mr. Bannon says simply: "We need RINOs."

Supporters of President Trump cheer before a rally in Lewis Center, Ohio, earlier this month. Photo: Carolyn Kaster/Associated Press

The Bannon calculation is that the specter of impeachment will motivate these soft Republicans as well as core Trump backers. More conventional Republicans may be disdainful of Mr. Trump personally, but they also think the tax cuts, deregulatory policies and judicial nominations they like are imperiled if he goes down.

So, impeachment-scare talk, Mr. Bannon is calculating, is effective for RINOS too, simply for different reasons. For the Trump base, impeachment talk is a source of outrage. Soft Republicans dislike it for less emotional, more practical reasons.

All this means Republican candidates have a dual mission right now: Keep motivating those base Trump voters, who want full-throated defenses of the president and odes to his hard-line immigration policies, while also luring out to the polls mainstream Republicans and independents who dislike the president but like lower taxes and less regulation.

And if political advertising is any indication, candidates appear to be embracing both messages with nearly equal fervor. Data compiled by CMAG Kantar Media on all political ads run so far this year show that a pro-Trump message is the most common element of GOP ads. Next in line? Mentions of the tax cut Republicans pushed through Congress last year.

Write to Gerald F. Seib at jerry.seib@wsj.com

Alexandra V. Preate
Chief Executive Officer
CapitalHQ
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From: [redacted] [triversr@gmail.com]
Sent: 10/11/2018 5:34:33 PM
To: Jeffrey Epstein [jeevacation@gmail.com]
Subject: Update
Attachments: PHOTOS.pptx; HONOR KILLINGS MS.doc

Importance: High

miss chatting with you

am back at work; will give keynote to the Louisiana State Psychological Association in early November and next day meet with department heads and deans for three local Universities, Tulane, New Orleans, Louisiana State to see if some kind of 3-year deal can be worked out

then off to U Texas at Austin and Texas A&M, to which i have never been—biology is very strong in genetics and they may be interested—i will lecture to them on Recent Advances in Human Evolutionary Genetics, a specialty of mine

i attach latest version of Honour Killings—key is to look at are the PHOTOS—the women are almost without fail beautiful

—-

given that i was perhaps a little cruel or frenetic over Jim Watson i attach a short remembrance of his other side, Francis Crick, a much more broad-minded and friendly organism

i don't give one shit about race and IQ by the way—and i hope it is clear that VARIANCE in genetic traits of all varieties is expected to be especially high in Africa—hence it is the source of all successful hominid invasions—but i am saying nothing about AVERAGE difference in intelligence or anything else

—

i will shortly send you a piece onTrump as a narcissistic sociopath

—

finally here is a joke for you—we are both, i believe, politically—and not sexually—polymorphic perverse so there should be no problem with this character

https://www.independent.co.uk/news/uk/crime/blindfold-sex-men-trick-dating-app-ana-duarte-xavier-straight-a8571076.html

all best

p.s. please remember to tell me when to take my money out of the market !!

Chinese Influence & American Interests

PROMOTING CONSTRUCTIVE VIGILANCE

A PUBLICATION OF THE HOOVER INSTITUTION

Chinese Influence & American Interests

PROMOTING CONSTRUCTIVE VIGILANCE

Report of the Working Group on
Chinese Influence Activities in the United States

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24 23 22 21 20 19 18 7 6 5 4 3 2 1

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This report grew out of a series of discussions over the past year and a half at the Hoover Institution, Sunnylands, and George Washington University in which the following scholars participated:

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The views expressed in this publication are solely those of the participants in the workshop and do not necessarily reflect the views of the staff, officers, or Board of Overseers of the Hoover Institution or the participant's affiliated institutions. The convening organizations of this project have no affiliation with the US government.

Acknowledgments

This Working Group was jointly convened by the Hoover Institution at Stanford University and the Center on US-China Relations at Asia Society in New York. These co-conveners have also been assisted, financially and logistically, by The Annenberg Foundation Trust at Sunnylands. We are grateful to each of these institutions for their support of our work, and to Thomas Gilligan, Director of the Hoover Institution, and Ambassador David Lane, President of The Annenberg Foundation Trust at Sunnylands, for their personal support of this project. We also thank the latter two institutions, as well as the China Policy Program of the Elliott School of International Affairs at George Washington University, for supporting and hosting meetings of the Working Group.

This report has been a collaborative effort among a group of American scholars and policy practitioners who have spent long careers studying and engaging China, Asia more broadly, and a wide variety of political systems around the world. Each participant also has an abiding interest in protecting and strengthening democratic institutions in the United States and elsewhere in the world. While different participants took the lead in drafting particular sections of the report, each section was reviewed and contributed to by a number of participants in what became a truly collective and collaborative research effort. Our general findings and policy principles represent a broad—though not necessarily complete—consensus of the Working Group Participants.

This Working Group grew out of the Task Force on US-China Relations (chaired by Susan Shirk and Orville Schell), and we thank the Carnegie Corporation of New York and the Henry Luce Foundation for their support of the Task Force. Although the two efforts share many members in common, they are separate and distinct endeavors.

We present this report as the collective product of discussions and research among a group of distinguished American specialists on China and US foreign affairs. It analyzes the growing challenge posed by China's influence-seeking activities in the United States across a number of important sectors of American public life. However, as we note throughout the report, these influence activities are not confined to the US. Indeed, they appear in different forms and to different degrees in a large number of other democratic societies around the world (in some cases more deeply than in the US). We therefore have opted to include in an Appendix short summary reports on China's influence activities (and the resulting national responses) in eight other countries.

We owe a particular debt of thanks to Kyle Hutzler, an MBA student at Stanford University with significant experience in China. His superior organizational skills and uncomplaining

capacity for prodigious work contributed enormously to the coordination of our work throughout the project. We could not have produced this report without him.

We would also like to thank Barbara Arellano and Alison Petersen at the Hoover Institution Press for their dedicated assistance in producing, editing, and publishing this report, as well as Laura Chang at the Center on US-China Relations at Asia Society for her assistance in helping to coordinate the project.

Finally, we would like to thank all of the Working Group participants for their generous contributions of time and effort. None were remunerated for their contributions, and everyone participated and contributed out of their professional and national sense of responsibility.

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October 24, 2018

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Policy Principles for Constructive Vigilance

The members of this Working Group seek a productive relationship between China and the United States. To this end, and in light of growing evidence of China's interference in various sectors of American government and society, we propose three broad principles that should serve as the basis for protecting the integrity of American institutions inside the United States while also protecting basic core American values, norms, and laws.

Transparency

Transparency is a fundamental tenet and asset of democracy, and the best protection against the manipulation of American entities by outside actors.

- American NGOs should play an important role in investigating and monitoring illicit activities by China and other foreign actors. They should as well seek to inform themselves about the full range of Chinese influence activities and the distinctions between legitimate and illegitimate influence efforts.

- Congress should perform its constitutional role by continuing to investigate, report on, and recommend appropriate action concerning Chinese influence activities in the United States. It should update relevant laws and regulations regarding foreign influence, and adopt new ones, to strengthen transparency in foreign efforts to exert influence.

- Executive branch agencies should similarly investigate and publicize, when appropriate, findings concerning these activities, with a view to promoting healthy and responsible vigilance among American governmental and nongovernmental actors.

- The US media should undertake careful, fact-based investigative reporting of Chinese influence activities, and it should enhance its knowledge base for undertaking responsible reporting.

- Faculty governance is the key to preserving academic freedom in American universities. All gifts, grants, endowments, and cooperative programs, including

Confucius Institutes, should be subjected to the usual procedures of faculty oversight.

- US governmental and nongovernmental sectors should disclose financial and other relationships that may be subject to foreign influence.

Integrity

Foreign funding can undermine the independence of American institutions, and various types of coercive and covert activities by China (and other countries) directly contradict core democratic values and freedoms, which must be protected by institutional vigilance and effective governance.

- Openness and freedom are fundamental elements of American democracy and intrinsic strengths of the United States and its way of life. These values must be protected against corrosive actions by China and other countries.

- Various institutions—but notably universities and think tanks—need to enhance sharing and pooling of information concerning Chinese activities, and they should promote more closely coordinated collective action to counter China's inappropriate activities and pressures. This report recommends that American institutions within each of the above two sectors (and possibly others) formulate and agree to a "Code of Conduct" to guide their exchanges with Chinese counterparts.

- When they believe that efforts to exert influence have violated US laws or the rights of American citizens and foreign residents in the United States, US institutions should refer such activities to the appropriate law enforcement authorities.

- Rigorous efforts should be undertaken to inform the Chinese American community about potentially inappropriate activities carried out by China. At the same time, utmost efforts must be taken to protect the rights of the Chinese American community, as well as protecting the rights of Chinese citizens living or studying in the United States.

- Consideration should be given to establishing a federal government office that American state and local governments and nongovernmental institutions could approach—on a strictly voluntary basis—for advice on how best to manage Chinese requests for engagement and partnership. This office could also provide confidential background on the affiliations of Chinese individuals and organizations to party and state institutions.

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- All American institutions—governmental and nongovernmental—that deal with Chinese actors (and other potential sources of inappropriate foreign influence) should review their oversight and governance practices and codify and exemplify best standards of practice and due diligence.

Reciprocity

American institutions are deflected from their purpose of increasing US-China understanding, and become distorted as one-way channels of Chinese influence, when they are denied access to China on a basis that is reciprocal with the access Chinese institutions are granted here.

- The asymmetry of scholarly research access is the most glaring example of the lack of reciprocity. A whole variety of normal scholarly activities—including access to archives and certain libraries, fieldwork, conducting surveys, and interviewing officials or average citizens—have been cut off for American researchers in China while Chinese enjoy all of these academic opportunities in the United States. Individually and collectively, universities and other sectors of American democratic life should insist on greater reciprocity of access.

- US government public diplomacy activities are heavily circumscribed in China, while nongovernmental organizations (NGOs) have encountered an increasingly difficult environment to carry out their work. More reasonable reciprocity for US public diplomacy efforts in China, relative to China's activities in the United States, should be addressed in negotiations between the two countries. In addition, this report recommends enhanced American efforts to promote independent news and information, and democratic ideas, through US global broadcasting and efforts to counter disinformation.

- The US government should actively promote and protect opportunities for American actors to operate in China.

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Introduction

For three and a half decades following the end of the Maoist era, China adhered to Deng Xiaoping's policies of "reform and opening to the outside world" and "peaceful development." After Deng retired as paramount leader, these principles continued to guide China's international behavior in the leadership eras of Jiang Zemin and Hu Jintao. Admonishing Chinese to "keep your heads down and bide your time," these Party leaders sought to emphasize that China's rapid economic development and its accession to "great power" status need not be threatening to either the existing global order or the interests of its Asian neighbors. However, since Party general secretary Xi Jinping came to power in 2012, the situation has changed. Under his leadership, China has significantly expanded the more assertive set of policies initiated by his predecessor Hu Jintao. These policies not only seek to redefine China's place in the world as a global player, but they also have put forward the notion of a "China option" (中国方案) that is claimed to be a more efficient developmental model than liberal democracy.

While Americans are well acquainted with China's quest for influence through the projection of diplomatic, economic, and military power, we are less aware of the myriad ways Beijing has more recently been seeking cultural and informational influence, some of which could undermine our democratic processes. These include efforts to penetrate and sway—through various methods that former Australian prime minister Malcolm Turnbull summarized as "covert, coercive or corrupting"—a range of groups and institutions, including the Chinese American community, Chinese students in the United States, and American civil society organizations, academic institutions, think tanks, and media.[1]

Some of these efforts fall into the category of normal public diplomacy as pursued by many other countries. But others involve the use of coercive or corrupting methods to pressure individuals and groups and thereby interfere in the functioning of American civil and political life.

It is important not to exaggerate the threat of these new Chinese initiatives. China has not sought to interfere in a national election in the United States or to sow confusion or inflame polarization in our democratic discourse the way Russia has done. For all the tensions in the relationship, there are deep historical bonds of friendship, cultural exchange, and mutual inspiration between the two societies, which we celebrate and wish to nurture. And it is imperative that Chinese Americans—who feel the same pride in American citizenship as do other American ethnic communities—not be subjected to the kind of generalized suspicion or stigmatization that could lead to racial profiling or a new era of McCarthyism. However,

with increased challenges in the diplomatic, economic, and security domains, China's influence activities have collectively helped throw the crucial relationship between the People's Republic of China and the United States into a worrisome state of imbalance and antagonism. (Throughout the report, "China" refers to the Chinese Communist Party and the government apparatus of the People's Republic of China, and not to Chinese society at large or the Chinese people as a whole.) Not only are the values of China's authoritarian system anathema to those held by most Americans, but there is also a growing body of evidence that the Chinese Communist Party views the American ideals of freedom of speech, press, assembly, religion, and association as direct challenges to its defense of its own form of one-party rule.[2]

Both the US and China have derived substantial benefit as the two nations have become more economically and socially intertwined. The value of combined US-China trade ($635.4 billion, with a $335.4 US deficit) far surpasses that between any other pair of countries.[3] More than 350,000 Chinese students currently study in US universities (plus 80,000 more in secondary schools). Moreover, millions of Chinese have immigrated to the United States seeking to build their lives with more economic, religious, and political freedom, and their presence has been an enormous asset to American life.

However, these virtues cannot eclipse the reality that in certain key ways China is exploiting America's openness in order to advance its aims on a competitive playing field that is hardly level. For at the same time that China's authoritarian system takes advantage of the openness of American society to seek influence, it impedes legitimate efforts by American counterpart institutions to engage Chinese society on a reciprocal basis. This disparity lies at the heart of this project's concerns.

China's influence activities have moved beyond their traditional United Front focus on diaspora communities to target a far broader range of sectors in Western societies, ranging from think tanks, universities, and media to state, local, and national government institutions. China seeks to promote views sympathetic to the Chinese Government, policies, society, and culture; suppress alternative views; and co-opt key American players to support China's foreign policy goals and economic interests.

Normal public diplomacy, such as visitor programs, cultural and educational exchanges, paid media inserts, and government lobbying are accepted methods used by many governments to project soft power. They are legitimate in large measure because they are transparent. But this report details a range of more assertive and opaque "sharp power" activities that China has stepped up within the United States in an increasingly active manner.[4] These exploit the openness of our democratic society to challenge, and sometimes even undermine, core American freedoms, norms, and laws.

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Except for Russia, no other country's efforts to influence American politics and society is as extensive and well-funded as China's. The ambition of Chinese activity in terms of the breadth, depth of investment of financial resources, and intensity requires far greater scrutiny than it has been getting, because China is intervening more resourcefully and forcefully across a wider range of sectors than Russia. By undertaking activities that have become more organically embedded in the pluralistic fabric of American life, it has gained a far wider and potentially longer-term impact.

Summary of Findings

This report, written and endorsed by a group of this country's leading China specialists and students of one-party systems is the result of more than a year of research and represents an attempt to document the extent of China's expanding influence operations inside the United States. While there have been many excellent reports documenting specific examples of Chinese influence seeking,[5] this effort attempts to come to grips with the issue as a whole and features an overview of the Chinese party-state United Front apparatus responsible for guiding overseas influence activities. It also includes individual sections on different sectors of American society that have been targeted by China. The appendices survey China's quite diverse influence activities in other democratic countries around the world.

Among the report's findings:

- The **Chinese Communist party-state** leverages a broad range of party, state, and non-state actors to advance its influence-seeking objectives, and in recent years it has significantly accelerated both its investment and the intensity of these efforts. While many of the activities described in this report are state-directed, there is no single institution in China's party-state that is wholly responsible, even though the "United Front Work Department" has become a synecdoche for China's influence activities, and the State Council Information Office and CCP[6] Central Committee Foreign Affairs Commission have oversight responsibilities (see Appendix: "China's Influence Operations Bureaucracy"). Because of the pervasiveness of the party-state, many nominally independent actors—including Chinese civil society, academia, corporations, and even religious institutions—are also ultimately beholden to the government and are frequently pressured into service to advance state interests. The main agencies responsible for foreign influence operations include the Party's United Front Work Department, the Central Propaganda Department, the International Liaison Department, the State Council Information Office, the All-China Federation of Overseas Chinese, and the Chinese People's Association for Friendship with Foreign Countries. These organizations and others are bolstered by various state agencies such as the Ministry of Foreign Affairs and the Overseas Chinese Affairs Office of the State Council, which in March 2018 was merged into the United Front Work Department, reflecting that department's increasing power.

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- In **American federal and state politics**, China seeks to identify and cultivate rising politicians. Like many other countries, Chinese entities employ prominent lobbying and public relations firms and cooperate with influential civil society groups. These activities complement China's long-standing support of visits to China by members of Congress and their staffs. In some rare instances China has used private citizens and/or companies to exploit loopholes in US regulations that prohibit direct foreign contributions to elections.

- On **university campuses**, Confucius Institutes (CIs) provide the Chinese government access to US student bodies. Because CIs have had positive value in exposing students and communities to Chinese language and culture, the report does not generally oppose them. But it does recommend that more rigorous university oversight and standards of academic freedom and transparency be exercised over CIs. With the direct support of the Chinese embassy and consulates, Chinese Students and Scholars Associations (CSSAs) sometimes report on and compromise the academic freedom of other Chinese students and American faculty on American campuses. American universities that host events deemed politically offensive by the Chinese Communist Party and government have been subject to increasing pressure, and sometimes even to retaliation, by diplomats in the Chinese embassy and its six consulates as well as by CSSA branches. Although the United States is open to Chinese scholars studying American politics or history, China restricts access to American scholars and researchers seeking to study politically sensitive areas of China's political system, society, and history in country.

- At **think tanks**, researchers, scholars, and other staffers report regular attempts by Chinese diplomats and other intermediaries to influence their activities within the United States. At the same time that China has begun to establish its own network of think tanks in the United States, it has been constraining the number and scale of American think tanks operations in China. It also restricts the access to China and to Chinese officials of American think-tank researchers and delegations.

- In **business**, China often uses its companies to advance strategic objectives abroad, gaining political influence and access to critical infrastructure and technology. China has made foreign companies' continued access to its domestic market conditional on their compliance with Beijing's stance on Taiwan and Tibet. This report documents how China has supported the formation of dozens of local Chinese chambers of commerce in the United States that appear to have ties to the Chinese government.

- In the American **media**, China has all but eliminated the plethora of independent Chinese-language media outlets that once served Chinese American communities. It has co-opted existing Chinese-language outlets and established its own new outlets. State-owned Chinese media companies have also established a significant foothold

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in the English-language market, in print, radio, television, and online. At the same time, the Chinese government has severely limited the ability of US and other Western media outlets to conduct normal news gathering activities within China, much less to provide news feeds directly to Chinese listeners, viewers, and readers in China, by limiting and blocking their Chinese-language websites and forbidding distribution of their output within China itself.

- Among the **Chinese American community**, China has long sought to influence—even silence—voices critical of the PRC or supportive of Taiwan by dispatching personnel to the United States to pressure these individuals and while also pressuring their relatives in China. Beijing also views Chinese Americans as members of a worldwide Chinese diaspora that presumes them to retain not only an interest in the welfare of China but also a loosely defined cultural, and even political, allegiance to the so-called Motherland. Such activities not only interfere with freedom of speech within the United States but they also risk generating suspicion of Chinese Americans even though those who accept Beijing's directives are a very small minority.

- In the **technology sector**, China is engaged in a multifaceted effort to misappropriate technologies it deems critical to its economic and military success. Beyond economic espionage, theft, and the forced technology transfers that are required of many joint venture partnerships, China also captures much valuable new technology through its investments in US high-tech companies and through its exploitation of the openness of American university labs. This goes well beyond influence-seeking to a deeper and more disabling form of penetration. The economic and strategic losses for the United States are increasingly unsustainable, threatening not only to help China gain global dominance of a number of the leading technologies of the future, but also to undermine America's commercial and military advantages.

- Around **the world**, China's influence-seeking activities in the United States are mirrored in different forms in many other countries. To give readers a sense of the variation in China's influence-seeking efforts abroad, this report also includes summaries of the experiences of eight other countries, including Australia, Canada, France, Germany, Japan, New Zealand, Singapore, and the UK.

Toward Constructive Vigilance

In weighing policy responses to influence seeking in a wide variety of American institutions, the Working Group has sought to strike a balance between passivity and overreaction, confidence in our foundations and alarm about their possible subversion, and the imperative to sustain openness while addressing the unfairness of contending on a series of uneven playing fields. Achieving this balance requires that we differentiate constructive from harmful forms of interaction and carefully gauge the challenge, lest we

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see threats everywhere and overreact in ways that both undermine our own principles and unnecessarily damage the US-China relationship.

The sections that follow lodge recommendations under three broad headings. The first two, promoting "transparency" and "integrity," are hardly controversial in the face of the existing challenge, and they elicited little debate. Sunshine is the best disinfectant against any manipulation of American entities by outside actors and we should shine as much light as possible on Chinese influence seeking over organizations and individuals if it is covert, coercive, or corrupting. We should also shore up the vitality of our institutions and our own solidarity against Chinese divide-and-conquer tactics. Defending the integrity of American democratic institutions requires standing up for our principles of openness and freedom, more closely coordinating responses within institutional sectors, and also better informing both governmental and nongovernmental actors about the potentially harmful influence activities of China and other foreign actors.

It was in the third category, promoting "reciprocity," where the Working Group confronted the most difficult choices. In a wide range of fields, the Chinese government severely restricts American platforms and access while Chinese counterparts are given free rein in our society. Can this playing field be leveled and greater reciprocity be attained without lowering our own standards of openness and fairness? Since complaints and demarches by the US government and private institutions have not produced adequate results, is it possible to get Chinese attention by imposing reciprocal restrictions that do not undermine our own principles of openness?

The Working Group, not always in unanimity, settled on a selective approach. We believe that in certain areas the only practical leverage resides in tit-for-tat retaliation. This would not be an end in itself, but a means to compel a greater reciprocity. The Chinese government respects firmness, fairness summons it, and American opinion compels it.

Each section of this report offers its own recommendations for responding to China's influence seeking activities in ways that will enhance the transparency of relationships, defend the integrity of American democratic institutions, and grant American individuals and institutions greater access in China that equates with the degree of access afforded Chinese counterparts in the United States.

Our recommendations urge responses to China's challenge that will promote greater transparency, integrity, and reciprocity. We believe that a new emphasis on such "constructive vigilance" is the best way to begin to protect our democratic traditions, institutions, and nation, and to create a fairer and more reciprocal relationship that will be the best guarantor of healthier ties between the United States and China.

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NOTES

1 Malcolm Turnbull, "Speech Introducing the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017," December 7, 2017, https://www.malcolmturnbull.com.au/media/speech-introducing-the-national-security-legislation-amendment-espionage-an.

2 See CCP Central Committee Document No. 9: http://www.chinafile.com/document-9-chinafile-translation.

3 https://ustr.gov/countries-regions/china-mongolia-taiwan/peoples-republic-china.

4 National Endowment for Democracy, Sharp Power: Rising Authoritarian Influence, Washington, DC, December 2017, https://www.ned.org/wp-content/uploads/2017/12/Sharp-Power-Rising-Authoritarian-Influence-Full-Report.pdf.

5 Several other studies have recently been published concerning China's influence activities and united front work abroad, including: Bowe, Alexander. "China's Overseas United Front Work." US-China Economic and Security Review Commission. August 24, 2018. https://www.uscc.gov/sites/default/files/Research/China%27s%20Overseas%20United%20Front%20Work%20-%20Background%20and%20 Implications%20for%20US_final_0.pdf; Jonas Parello-Plesner, The Chinese Communist Party's Foreign Interference Operations: How the US and Other Democracies Should Respond: Hudson Institute, June 2018, https://www.hudson.org/research/14409-the-chinese-communist-party-s-foreign-interference-operations-how-the-u-s-and-other-democracies-should-respond; Anastasya Lloyd- Damnjanovic, A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education, Washington, DC: Woodrow Wilson Center Kissinger Institute on China and the United States, September 6, 2018, https://www.wilsoncenter.org/publication/preliminary-study-prc-political-influence-and-interference-activities-american-higher.

6 Throughout this report, we use the term "CCP," which stands for Chinese Communist Party. It is sometimes also referred to as the Communist Party of China (CPC).

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SECTION 1

Congress

During past presidential administrations, the US Congress has generally served as a brake on executive initiatives to "engage" China at the expense of other US interests that members have historically valued, such as maintaining good relations with Taiwan, interacting with the Tibetan government in exile, and expressing support for human rights. When President Donald Trump assumed office in 2017 and actively began courting Chinese President Xi Jinping, first at Mar-a-Lago and then at the Beijing summit, Congress took a wait-and-see posture. But as his own ardor for a partnership with Xi cooled and his administration became disenchanted with the idea of finding an easy new "engagement" policy, momentum began to shift. Soon Congress was working toward one of the most significant reevaluations of American-China policy since the start of normalization fifty years ago. And with the White House increasingly skeptical about the prospects of winning President Xi 's cooperation, a series of new initiatives began issuing forth from both the administration and the Congress, suggesting a rapidly changing landscape for US-China relations. What was telling was that this tidal shift now emanated not from Congress alone—where it had strong bipartisan support—but from the White House and National Security Council, the Pentagon, the Office of the US Trade Representative, the Department of the Treasury, and even the Department of State. As sentiment shifted away from hopes of finding common ways to collaborate, a spate of new US policy initiatives began appearing that suggested a sea change. Congress passed the 2019 National Defense Authorization Act, which sought to bolster US defenses against both Chinese military threats and China's influence-seeking operations inside the United States. Congress also passed the Foreign Investment Risk Review Modernization Act of 2018 (FIRMMA), which empowered CFIUS (the Committee on Foreign Investment in the United States) to expand its oversight of foreign direct investment (FDI) from China. At the same time, members of Congress also began expressing ever more strenuous opposition to Chinese nonreciprocal practices in trade and investment, such as: putting whole sectors of the Chinese economy out-of-bounds to American investors; using Chinese companies to buy into sensitive high-tech areas of the US economy through mergers and acquisitions; and making the transfer of American advanced technology to Chinese partners the price of American companies being given access to Chinese markets. Congressional concern rose over Beijing's continued expansion into and militarization of the South China Sea; the predatory lending practices that can be involved in President Xi Jinping's signature Belt and Road Initiative; and Beijing's continued persecution of Taiwan and opposition to US support for the island.

This section reviews highlights of Chinese government's efforts to influence the US Congress since the start of the normalization process in 1972. As suggested above, because it has

viewed such "engagement" as too often taking place at the expense of more important interests, the Congress has usually been more wary than the White House of allowing hopes for a more positive US-China relations to determine our policy. At times, such as during the passage of the Taiwan Relations Act in 1979 and in reaction to the Chinese crackdown around Tiananmen Square in 1989, Congress has actively resisted the White House and sought to turn American policy in directions both the Chinese leadership and the US administration have opposed. However, often Congress has played a somewhat passive role, especially in recent years. Still, the control it formally exercises over US government budget outlays, legislation, and the approval of appointments of senior administration officials makes Congress not only important in the formation of US-China policy but also a prime target for Chinese influence efforts.

By providing historical background, the review that follows informs contemporary US concerns about Chinese government efforts to influence American leaders and public opinion. The record over the past four decades shows some success in Chinese efforts to win influence over congressional opinion. However, more often than not, whatever positive results they have won have not lasted in the face of enduring differences between the two countries.

Congressional Visits to China, 1972–1977

President Nixon's second term featured the Watergate scandal, which forced his resignation in 1974 and resulted in a lull in high-level communication with China. This circumstance gave more prominence to the reports issued by the approximately eighty members of Congress who traveled to China in the period between President Nixon's visit in 1972 and the start of the Carter administration in January 1977. The visits of these congressional delegations—including (repeatedly) top leaders from both parties—were by far the most active channel of high-level communications between the United States and the PRC during this time. And most of the members who went to China wrote reports that were published as official documents. At the time, these congressional reports, as well as the media's coverage of their visits, became important vehicles through which American congressional leaders voiced their views and opinions on domestic Chinese politics and on Sino-American relations, both of which were having an increasingly important impact on American interests in Asia and the world.

By and large, these American visitors were pleased by the post-1972 developments in US-China relations, seeing them as likely to be both a source of strategic leverage against the Soviet Union and a stabilizing influence in Asian affairs. The government in Beijing was seen as preoccupied with domestic affairs, no longer opposed to the presence of American forces in East Asia, and anxious to work with the United States and other noncommunist countries to offset Soviet pressure against China. The Americans saw the Taiwan question as the main impediment to improved bilateral relations, but they differed

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on how the United States should deal with the problem. Although most members of Congress accepted the Ford administration's cautious approach to China as wise, many were circumspect about the merits of China's political, economic, social, and value systems, then experiencing the last turmoil of the Cultural Revolution and the decline and death of Mao Zedong in 1976.

These congressional visits to China seemed to help the Chinese government improve its standing with Congress and favorably influence American public opinion. The resulting reports show how granting these delegations access to China's leaders and elements of Chinese society that Beijing wished to highlight proved an effective strategy of calming tensions. And the costs for Beijing were limited to modest in-country expenses, since the members usually traveled as official congressional delegations on US government aircraft.

One notable feature of this historical episode was the remarkable role played by Senate Majority Leader Mike Mansfield (D-MT). Senator Mansfield was widely consulted in Washington as an Asian affairs expert, meaning his observations arguably had more influence than those of other members. He visited China three times during this period, publishing separate reports with detailed assessments of various issues of concern to Americans at the time. In the main, his reports conveyed information and opinions that conformed with Chinese interests. Unlike many other members favoring a more cautious pace of normalization with China and sustained ties with Taiwan, Senator Mansfield urged the United States to promptly end ties with Taiwan and accept Beijing's conditions for normal diplomatic relations, warning that to do otherwise would lead to dangerous friction in Sino-American relations and instability in Asia. Senator Mansfield portrayed China as a power with fundamentally peaceful motives in international affairs and placed much of the blame on the United States for past Sino-American conflicts in Asia. He also contradicted those members who worried that China's leadership change could lead to internal struggles affecting China's international and domestic policies. He insisted that such skepticism was unwarranted, because what he called the Maoist system had been effectively inculcated among the Chinese people. Some members complained that the limited itinerary for congressional visits that was furnished by Chinese hosts did not provide a basis for any meaningful assessment of conditions there. Despite the fact that many congressional visitors questioned how durable China's Maoist regime was and how lasting China's cooperation with the United States would actually prove to be, Mansfield countered that he had had enough opportunity during his three visits to the PRC to move about and obtain enough information through on-the-spot observation and talks with PRC leaders to conclude that it was no passing phenomenon. So, while many members thought the PRC's system of indoctrination and control to be repressive politically, economically, and socially—an affront to the human rights and dignity of its people—voices like Mansfield's served to mute the criticism, maintaining that the country's political, economic, and social system was uniquely well suited to the Chinese people.

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Influence Efforts after Establishing Official Relations, 1979–1988

As the Carter administration began moving toward full diplomatic recognition of the PRC, it withheld many of the details about its plans from Congress. One of the largest unresolved issues was the fate of Taiwan, in which Congress took a special interest. The United States had already dropped recognition of Taiwan at the United Nations, and now many in Congress worried that the United States would move to completely abandon the island. In response, Congress passed the Taiwan Relations Act in 1979, which underlined the importance of the United States keeping an ongoing relationship with Taiwan and continuing to provide weapons for its defense.

After formal diplomatic relations were reestablished, China responded in the 1980s by expanding the size and capacity of its Washington embassy staff dedicated to dealing with Congress. Chinese officials lobbying Congress viewed with dismay the rise of pro-Taiwan independence groups among Taiwanese Americans, such as the Formosan Association for Public Affairs, which demonstrated an ability to promote their agenda despite the fact that the United States had broken ties with Taiwan. Beijing would go on to borrow a page from the Nationalist government's playbook by beefing up a diplomatic arm capable of building closer relations with important congressional members and staffers.[1] Since then, the Chinese government has welcomed numerous US delegations composed of both congressional members and staffers. The main host in China for such delegations has been the Chinese People's Institute of Foreign Affairs (CPIFA).[2] Founded in December 1949, this organization focuses on international issues and foreign policy research and on conducting international exchanges of officials and expanding people-to-people diplomatic activities. This institute also works to establish contacts with foreign political activists, diplomats, and other distinguished individuals while organizing public lectures and symposiums on academic subjects and international policy affairs.

CPIFA is a so-called united front organization, similar to those found in the former Soviet Union and other Leninist states that seek to opportunistically build alliances wherever they can. Such organizations, or GONGOs ("government-organized non-governmental organizations"), carry out government-directed policies and cooperative initiatives with influential foreigners without being perceived as a formal part of the Chinese government. CPIFA's experience in dealing with foreign visitors is broad. Between 1972 and 2002, it hosted more than four thousand leading Americans in China. Being well connected with the Chinese government's State Council and the Ministry of Foreign Affairs, it is positioned to organize meetings with high-level officials when the Party deems it in its interest to do so. The funding arrangements for congressional staff delegations visiting China usually provide for their travel to be paid by the US side, so as to avoid falling victim to ethics committees and overseers or violating rules regarding conflicts of interest and foreign lobbying. CPIFA often assumed in-country expenses.

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The staff delegation trips to China were welcomed and sought after by congressional staff and congressional support agency personnel, mainly from the Congressional Research Service of the Library of Congress, which had a growing interest in China and the issues it posed for US policy. The trips generally came twice per year and involved meetings with Chinese government officials and others responsible for key foreign affairs and domestic issues of interest to the Congress. The exchanges in these meetings were generally cordial and substantive, although the trips also included sightseeing and visits to parts of China of interest to the Congress.

In the United States, there have been a number of counterpart groups that have facilitated congressional exchanges. Among them are the Washington, DC-based US-Asia Institute (USAI), which has played a leading role in managing the congressional staff delegations side since 1985.[3] The National Committee on US-China Relations did a pilot congressional staff delegation visit to China in 1976 and resumed involvement with such exchanges again during the past decade.[4] In the 1980s, the Asia-Pacific Exchange Foundation (also known as the Far East Studies Institute) also managed a number of congressional staff delegations to China, while the US-Asia Institute has, since 1985, coordinated over 120 such delegations and exchanges to China. These visits have been done in cooperation with the Chinese People's Institute of Foreign Affairs (CPIFA) and the Better Hong Kong Foundation (BHKF). But the National People's Congress (NPC) has perhaps hosted the most trips, taking over a thousand congressional staff members to China. In these trips, members have traveled to nearly every corner of China, including Xinjiang and Tibet. In their discussions, they have covered a wide range of themes important to the US-China relationship. Staffers participating in such trips have clearly advanced their understanding of Chinese developments.

Congress and Turmoil in US-China Relations, 1989–2001

The number of the congressional staff delegations to China slowed following the collapse of congressional support for engagement with China after the Tiananmen crackdown in 1989. Congressional anger and the impulse to punish the Chinese government overrode past interest in constructive engagement. As a result, Beijing began relying more heavily on the US business community and its organizations, notably the Emergency Committee for American Trade, to persuade Congress not to end the most-favored nation tariff treatment for Chinese imports. The Chinese embassy and various lobbyists who were, or at least claimed to be, supported by the Chinese government also tried to limit the damage by seeking to convince congressional members that conditions in China were much better there than were depicted in American media at the time.[5]

Based on the reputation of its past efforts, the US-Asia Institute, presumably with the encouragement of its Chinese counterparts, strove to resume the staff dialogues and attracted a wide range of senior staff and support personnel, including some of

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those working for the harshest congressional critics of China's crackdown. One trip in December 1989 featured very heated debates with Chinese officials, especially after it was announced that National Security Adviser Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger were also in Beijing for talks with Chinese leaders and that the two had made an earlier secret trip in July, soon after the crackdown. As the Bush administration had publicly promised Congress that all such contacts would end, the staff delegates' anger at and criticism of China's repression was compounded by their harsh reaction to the Bush administration's actions.

As US-China relations continued during a tumultuous post-Tiananmen crackdown period, Congress played important roles on such key issues as the debate over most-favored nation tariff treatment, the visit of Taiwan's president to the United States in 1995, and the decision to approve China's entry into the World Trade Organization. The Chinese government endeavored to build influence with and gain access to Congress by encouraging US businesses to lobby Congress on China's behalf and by continuing to receive member and staff delegations in China.

Other entities in the Chinese official structure, including the Chinese Communist Party and the Chinese military, at times attempted to gain access to Congress. The International Department of the Chinese Communist Party engaged in growing exchanges with the major American political parties on a party-to-party basis. A Chinese "united front" organization, the Chinese Association for International Understanding (CAIFU), managed some of these ensuing trips. Also involved was the China Association for International Friendly Contact (CAIFC). This "united front" organization's link to the Chinese government was not then well known, though in recent years it has been publicly linked to the People's Liberation Army's Political Warfare Department, which has intelligence responsibilities.[6] Meanwhile, other exchanges with US congressional specialists on China were promoted by a mysterious "united front" operative with excellent official contacts in China named Jimmy Wong. In this troubled decade, Wong made himself known to a wide range of Americans playing a role in China policy as having the ability to set up visits to China and meetings with key officials very quickly. He occasionally even opened his spacious Beijing home to congressional staffers. His precise affiliation with the Chinese authorities remains obscure.[7]

The approaches of the Chinese government to gain influence and gather information abroad differ from the tradecraft of Russia and the former Soviet Union.[8] Notably, the Chinese focus more on individuals rather than effects, and on shaping the personal context rather than operational tricks. It is person-to-person relationships that carry the weight of Chinese information operations. Working on these personal ties, the Chinese authorities focus on facilitating meetings and contacts that may or may not result in opportunities to influence foreign targets. Still, because Chinese influence seeking is largely a governmental undertaking, it is hardly surprising that the Chinese mix influence

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operations with espionage. In one instance, after a visit to China supported by CAIFC, an American congressional official was asked by two employees at CAIFC who facilitated his trip to host them during a return visit to Washington. He obliged, and they were seemingly satisfied, having shopped extensively during their stay. Subsequently, the Chinese embassy officers who had arranged the congressional official's visit to China with CAIFC were arrested and expelled for trying to steal US weapons technology, causing the US official to end all contact with CAIFC.

Current Era

Tensions in US-China relations subsided after the terrorist attack on America in September 2001 and subsequent wars in Afghanistan and Iraq preoccupied the Bush administration and Congress. Chinese and American leaders also proved to be sufficiently pragmatic to reach common ground on advancing relations in mutually agreeable ways and managing differences through a wide range of dialogues. Such exchanges only catalyzed visits by more congressional members and staff delegations visits to China. At this time, members often traveled to China in US government–funded trips as guests of the US embassy. Some member trips and very frequent staff delegation visits were authorized under provisions of the Mutual Education and Cultural Exchange Act (MECEA) that were in line with the guidance of congressional ethics committees.[9] In addition to the work of the US-Asia Institute, those organizing and facilitating staff delegations grew to include the Aspen Institute, the National Committee on US-China Relations, and the US-China Policy Foundation.[10]

China also increased its own capacity to engage Congress beyond trips. Having moved into a new embassy in Washington in 2009, the Chinese embassy increased its congressional affairs staff to twelve (as of 2011), while also retaining the lobbying services of the firm Patton Boggs.[11] During his time as ambassador, Zhou Wenzhong boasted that he had visited some one hundred members of Congress in their home districts. When certain measures, such as a bill that would have penalized China for being a "currency manipulator," came before Congress, the embassy's in-house team's efforts reflected what some US officials called a much more "nuanced" and "sophisticated" understanding of the body. Whether or not Chinese officials or lobbyists interacting with congressional offices endeavored to exert influence by means beyond persuasion—such as by offering material benefits or threatening to withdraw Chinese investments or other tangible benefits to the congressional district—remained hard to discern given the very limited public reporting on such matters.[12]

Congress, for its part, had already formalized efforts to better understand China through a variety of working groups. By 2006, both the House and the Senate had formed a US-China Inter-Parliamentary Exchange Group, which conducted periodic exchanges with China's National People's Congress. Also showing stronger American interest in China at that time were the Congressional China Caucus (led by members tending to be critical

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of China); the China Working Group (led by members supportive of closer engagement with China); and the Senate China Working Group (led by members supportive of closer relations). Earlier legislation had established the Congressional-Executive Commission on China, focused on human rights conditions in China (a perennial negative aspect in US-China relations), and the US-China Economic and Security Review Commission, which was known for its annual report listing a variety of developments in China seen as adverse to US interests and values. While the latter two commissions continue to be active, are robust, and have growing impact, many of the other exchange mechanisms have proven less than durable. Once the leading members who founded such groups leave Congress, interest usually wanes. The National People's Congress became even more active in supporting the growing number of congressional staff delegations to China during this period. In 2018, the House China Working Group remained active, but the House Congressional China Caucus and the Senate China Working Group were inactive.

Most recently, the 115th Congress has actively embraced the Trump administration's view that China has benefited more from the bilateral relationship than has the United States. In fact, amidst all the partisan warfare currently dividing Republicans and Democrats in Washington, a skepticism about China's intentions and reliability and a willingness to push back in a bipartisan manner against its un-reciprocal, and sometimes even predatory, policies, is one of the most surprising phenomena. In 2018, for example, the Congress unanimously passed the Taiwan Travel Act, which encourages the Trump administration to host more high-ranking officials from Taiwan, a move that angered Beijing. Still, Congress is hardly united, even on trade. Some members have objected to the adverse impacts punitive tariffs are having on their constituencies, or they have opposed imposing tariffs on allies at the same time tariffs are imposed on China. And some members criticized President Trump's decision in May 2018 to ease harsh sanctions against the prominent Chinese high-technology firm ZTE, in response to a personal plea from the Chinese president. Nevertheless, President Trump's dominance in the Republican Party means that few in the Republican ranks controlling Congress are inclined to oppose him, especially on China. Indeed, Congress is generally endorsing the most significant reevaluation of American-China policy since the start of normalization fifty years ago. As such, it can be said that Chinese influence on Capitol Hill has reached a low point.

Conclusion and Recommendations

Congress is in the midst of a major reevaluation of the very assumptions underlying the decades-old American policy of "engagement" with China. Because of this increasingly competitive, even adversarial, new climate, Chinese influence and information operations are widely coming to be seen as expressions of a political system whose values are antithetical to those of the United States and as a threat to the integrity of Congress and our democracy. Arguing, as many have done as far back as Majority Leader Mike Mansfield, that Congress should move forward with positive engagement with China while seeking to

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pragmatically manage our differences now seems, in the current environment, both naïve and quixotic.

Promote Transparency

Follow-on congressional oversight will go far toward educating the Congress, the media, and the public about these important topics. The issues are complicated and have no simple solutions. Various specialists within and outside the US government should be consulted in determining the full scope of the problem and what should be done.

Promote Integrity

Congress needs also to distinguish between issues that present a real threat to the United States, such as Chinese espionage and Chinese-directed monitoring of Chinese students on US campuses, and institutions such as Confucius Institutes, which, as we have noted elsewhere in this report, can be better regulated by universities themselves.

Promote Reciprocity

In coming up with remedial steps, Congress must consider the broader bilateral relationship. It is asked to weigh carefully the continued important positive elements in the US-China relationship, the negative consequences that might arise from a confrontational approach to China, and America's need to protect and foster its strengths and interests.

NOTES

1 Sources for the information and judgments in this section include: United States Congress. House Committee on Foreign Affairs. *Executive-Legislative Consultations over China Policy, 1978–1979.* Washington, DC: US Government Printing Office, 1980; Ramon Myers, Michel Oksenberg, and David Shambaugh (eds.), *Making China Policy: Lessons from the Bush and Clinton Administrations* (Lanham, MD: Rowman & Littlefield, 2001); Harry Harding, *A Fragile Relationship: The US and China Since 1972* (Washington, DC: Brookings Institution, 1992); David M. Lampton, *Same Bed, Different Dreams: Managing US-China Relations, 1989–2000* (Berkeley: University of California, 2001); James Mann, *About Face: A History of America's Curious Relationship with China, from Nixon to Clinton* (New York: Knopf, 1999); Robert Sutter, *US-Chinese Relations: Perilous Past, Pragmatic Present* (Lanham, MD: Rowman & Littlefield, 2010); Nancy B. Tucker, *Strait Talk: United States-Taiwan Relations and the Crisis with China* (Cambridge, MA: Harvard University Press, 2009).

2 See website at http://www.china.org.cn/english/features/38189.htm.

3 See the institute's website at https://www.usasiainstitute.org/delegations/chin.

4 See the committee's website at https://www.ncuscr.org/content/congressional-committee-staff-delegation-china-1976.

5 Sources for this section rely on sources seen in source note 2 and Shambaugh, David, ed., *Tangled Titans,* Boulder, CO: Rowman & Littlefield, 2013; Sutter, Robert, *US-China Relations: Perilous Past, Uncertain Present,* Boulder CO: Rowman & Littlefield, 2018, 119–164.

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